

STATE OF MICHIGAN
IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM,
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

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NOTICE OF HEARING

TO: Clerk of the Court
All Counsel of Record

PLEASE TAKE NOTICE that Plaintiff, The UAW-Chrysler Skill Development and Training Program's Motion to Quash Notice of Deposition and Requests for Admission and for Protective Order Regarding Discovery will be heard at the Oakland County Circuit Court, 1200 N. Telegraph Road, Pontiac,

MI, 48341, before the Honorable Denise Langford Morris on **December 12, 2018 at 8:30 a.m.**, or as soon thereafter as counsel may be heard.

Respectfully submitted,

/s/ Michelle C. Harrell
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Dated: December 5, 2018

PROOF OF SERVICE

I hereby certify that on **December 5, 2018**, I electronically filed the above document(s) and this Proof of Service with the Clerk of the Court using the ECF system, which will send notification of such filing to those who are currently on the list to receive e-mail notices for this case.

/s/ Michelle C. Harrell
Michelle C. Harrell (P48768)

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**PLAINTIFF'S MOTION TO QUASH NOTICE OF DEPOSITION
AND REQUESTS FOR ADMISSION AND FOR PROTECTIVE ORDER REGARDING DISCOVERY**

Plaintiff, THE UAW-CHRYSLER SKILL DEVELOPMENT AND TRAINING PROGRAM ("NTC"),
through its counsel, Maddin, Hauser, Roth & Heller, P.C., for its Motion to Quash Notice of Deposition and
Requests for Admission and For Protective Order, states:

1. This case deals with the insatiable desire for excessive wealth by certain individuals,
including Defendants Alphons Iacobelli and his wife, Susanne Iacobelli (jointly, "Iacobellis"), and their
scheme to get rich by stealing from Plaintiff NTC over several years. Their thefts from NTC netted them

over \$2,600,000 in cash, paid-off credit cards, extravagant first-class travel and the finest goods and jewelry, a Ferrari Spyder convertible (valued over \$350,000), grand home improvements of a pool, spa outdoor kitchen and landscaping (value over \$250,000), their daughter's paid-off student loan, and other benefits to which they were not entitled.

2. This Motion seeks an order quashing the Iacobellis' Notice of Deposition of Plaintiff's representative that includes 98 subject matter areas, and their 219 Requests for Admissions, and the issuance of a protective order. See, Notice, **Exhibit A**; Requests for Admissions, **Exhibit B**.

3. Plaintiff seeks the requested relief because:

(a) the Iacobellis have refused to respond to any discovery from Plaintiff, have refused to present themselves for deposition, have failed to produce a single document, refused to substantively answer the Complaint, all based upon their privileges against self-incrimination provided by the U.S. Constitution, Amend V and XIV and the spousal privilege, and should therefore be barred from propounding discovery and Plaintiff is entitled to an inference against them as a matter of law as to all subject matters at issue in this case; and

(b) the Notice and Requests for Admissions are unduly burdensome, excessive, seek irrelevant information regarding non-parties and legal issues outside the scope of this case, and are proposed solely to harass NTC.

2. Plaintiff NTC was organized through collective bargaining by the UAW, Fiat Chrysler Automobiles and FCA's predecessors, including Chrysler Corporation. NTC provides extensive training to FCA employees represented by the UAW, including "World Class Manufacturing" processes, skilled trades, health and safety, and new hire training, among others.

4. Defendant Alphons Iacobelli ("Alphons") is a former Vice President of FCA, and served as the Director and Co-President of NTC from 2008 to June 2015. Complaint, ¶14. Alphons was also a Co-Chairman of NTC.

5. During their tenures at NTC, Alphons and his cohorts conspired with each other to defraud

NTC out of millions of dollars. Complaint, ¶¶14-34. Alphons, while acting as Director and Co-President of NTC from 2009 to June 2015, embezzled and converted to his and/or the personal use of the other Defendants, including his wife Defendant Susanne Iacobelli ("Susanne"), at least \$2,661,189.00. Complaint, ¶¶35-36.

6. As shown by his plea agreement, Alphons has pled guilty in federal court to the crimes of conspiracy and income tax evasion based upon his theft (and failure to report) the funds that he stole from NTC. To date, Susanne has not been charged. The two other Defendants, Durden and Morgan, have also both plead guilty to federal crimes and will be (or are) incarcerated, just like Alphons.

7. Due to Defendants' illegal activities, NTC filed this case and asserts the following claims: (1) fraud, (2) fraudulent concealment, (3) breach of fiduciary duties, (4) breach of duties of loyalty, good faith and fair dealing, (5) civil conspiracy, (6) unjust enrichment, and (7) accounting.

8. In response to the Complaint, the Iacobellis each filed a motion for summary disposition, but such motions were denied by the Court.

9. The Iacobellis both provided only objections to Plaintiff NTC's discovery requests and asserted their spousal privileges and the privileges against self-incrimination. See, **Exhibit C**, Iacobellis' discovery "response."

10. The Iacobellis both answered the Complaint by including zero substantive responses but only a blanket invocation of the spousal privilege and the privilege against self-incrimination. See, the Iacobellis' answers to the Complaint, on file with the Court.

11. Although dates have been requested more than a month ago, the Iacobellis have refused to provide any available dates for their depositions, choosing instead to send Plaintiff NTC their blunderbuss Notice of Deposition of NTC's representative with 98 categories of information/knowledge.

Exhibit A.

12. Although failing/refusing to provide any discovery responses themselves, the Iacobellis served Plaintiff NTC with 219 Requests for Admissions. **Exhibit B.**

13. Because the Iacobellis have asserted their privileges, Plaintiff NTC is entitled to an inference against them in this case as to the subject matters upon which they have refused to respond, including but not limited to: (a) the amounts improperly stolen and/or diverted by Iacobellis from NTC; (b) that the Iacobellis caused and/or were responsible for the theft and/or diversion of NTC's funds; (c) the uses of NTC's funds by the Iacobellis and the nature of their purchases, use and benefits to provide themselves and their family members with luxuries, including the Ferrari, trips, home improvements, loan payoff, among other benefits; (d) the improper payment of Susanne's credit cards using NTC funds; (e) the improper payment of Alphons' credit cards using NTC funds; and (f) the actions taken in furtherance of Defendants' conspiracy and scheme to benefit Defendants Morgan and Durden, as well as the now-deceased General Holiefield.¹

14. Due to the inference to which NTC is entitled, discovery propounded by the Iacobellis upon such subject matters is improper, unnecessary and barred. In other words, the Iacobellis are entitled to assert the privileges (subject to this Court's determination that such privileges have been properly invoked), but then must stand mute regarding those subject matters for which they refuse to respond (they can use the shield, but cannot then wield a sword).

15. The Iacobellis should be barred from harassing NTC with 219 Requests for Admissions and 98 subject areas when they themselves have refused to respond to any discovery from Plaintiff relating to those same subjects thereby entitled Plaintiff to an evidentiary inference.

16. A protective order should be issued that prohibits the Iacobellis from serving any discovery or seeking any deposition testimony that relates to the subject matters for which they have asserted the privileges.

17. The Notice of Deposition should be quashed because its inclusion of 98 categories renders it incapable of response through a representative, and such Notice seeks testimony from NTC's

¹ Plaintiff will be filing a Motion for Evidentiary Inference that more specifically identifies the areas and subject matters that would be part of the inference to be made in favor of Plaintiff based upon the Iacobellis' specific responses that included the invocation of the privileges.

representative regarding matters that are no longer subject to discovery due to the Iacobellis' assertion of the privileges, and the Notice seeks irrelevant information.

18. The Requests for Admission should be stricken because they are oppressive in number, not susceptible to response, and seek information upon the inferential categories and other irrelevant information.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order that:

- A. Quashes the Notice of Deposition and the Requests for Admissions;
- B. Prohibits the Iacobellis from serving any discovery in this matter to NTC, or such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted,

/s/ Michelle C. Harrell

Michelle C. Harrell (P48768)

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Attorneys for Plaintiff

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Dated: December 5, 2018

PROOF OF SERVICE

I hereby certify that on **December 5, 2018**, I electronically filed the above document(s) and this Proof of Service with the Clerk of the Court using the ECF system, which will send notification of such filing to those who are currently on the list to receive e-mail notices for this case.

/s/ Michelle C. Harrell

Michelle C. Harrell (P48768)

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BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION TO QUASH NOTICE OF DEPOSITION
AND REQUESTS FOR ADMISSIONS AND FOR PROTECTIVE ORDER REGARDING DISCOVERY

Plaintiff, THE UAW-CHRYSLER SKILL DEVELOPMENT AND TRAINING PROGRAM ("NTC"), through its counsel, Maddin, Hauser, Roth & Heller, P.C., submits this Brief in Support of its Motion to Quash Notice of Deposition and For Protective Order.

I. INTRODUCTION AND FACTUAL BACKGROUND

This case deals with the insatiable desire for excessive wealth by certain individuals, including Defendants Alphons Iacobelli and his wife, Susanne Iacobelli (jointly, "Iacobellis"), and their scheme to get

rich by stealing from Plaintiff NTC over several years. Their thefts from NTC netted them over \$2,600,000 in cash, paid-off credit cards, extravagant first-class travel and the finest goods and jewelry, a Ferrari Spyder convertible (valued over \$350,000), grand home improvements of a pool, spa outdoor kitchen and landscaping (value over \$250,000), their daughter's paid-off student loan, and other benefits to which they were not entitled.

This Motion seeks an order quashing the Iacobellis' Notice of Deposition of Plaintiff's representative that includes 98 subject matter areas and the 219 Requests for Admission, and the issuance of a protective order. See, Notice, **Exhibit A**; Requests for Admissions, **Exhibit B**. Plaintiff seeks the requested relief because:

(a) the Iacobellis have refused to respond to any discovery from Plaintiff, have refused to present themselves for deposition, have failed to produce a single document, refused to substantively answer the Complaint, all based upon their privileges against self-incrimination provided by the U.S. Constitution, Amend V and XIV and the spousal privilege, and should therefore be barred from propounding discovery and Plaintiff is entitled to an inference against them as a matter of law; and

(b) the Notice and Requests for Admissions are unduly burdensome, excessive and are proposed solely to harass NTC.

Plaintiff NTC is was organized through collective bargaining by the UAW, Fiat Chrysler Automobiles and FCA's predecessors, including Chrysler Corporation ("Chrysler"). NTC provides extensive training to FCA employees represented by the UAW, including "World Class Manufacturing" processes, skilled trades, health and safety, and new hire training, among others.

Defendant Alphons Iacobelli ("Alphons") is a former Vice President of FCA, and served as the Director and Co-President of NTC from 2008 to June 2015. Complaint, ¶14. Alphons was also a Co-Chairman of NTC. During their tenures at NTC, Alphons and his cohorts conspired with each other to defraud NTC out of millions of dollars of its assets. Complaint, ¶¶14-34. Alphons, while acting as Director and Co-President of NTC from 2009 to June 2015, embezzled and converted to his and/or the personal use

of the other Defendants, including his wife Defendant Susanne Iacobelli ("Susanne"), of at least \$2,661,189.00 of NTC's assets. Complaint, ¶¶35-36.

As shown by his plea agreement that Alphons himself attached to a previously-filed motion, Alphons has pled guilty in federal court to the crimes of conspiracy and income tax evasion based upon his theft (and failure to report) the funds that he stole from NTC. To date, Susanne has not been charged. The two other Defendants, Durden and Morgan, have also both plead guilty to federal crimes and will be (or are) incarcerated.

Due to Defendants' illegal activities, NTC filed this case and asserts the following claims: (1) fraud, (2) fraudulent concealment, (3) breach of fiduciary duties, (4) breach of duties of loyalty, good faith and fair dealing, (5) civil conspiracy, (6) unjust enrichment, and (7) accounting.

In response to the Complaint, the Iacobellis each filed a motion for summary disposition, but such motions were denied by the Court. The Iacobellis both provided only objections to Plaintiff NTC's discovery requests and asserted their spousal privileges and the privileges against self-incrimination. See, **Exhibit C**, Iacobellis' discovery "response." The Iacobellis both answered the Complaint by including zero substantive responses but only a blanket invocation of the spousal privilege and the privilege against self-incrimination. See, the Iacobellis' answers to the Complaint, on file with the Court. Although dates have been requested more than a month ago, the Iacobellis have refused to provide any available dates for their depositions, choosing instead to send Plaintiff NTC their blunderbuss Notice of Deposition with 98 categories of information/knowledge. **Exhibit A**. After losing their motions, and although failing/refusing to provide any discovery responses themselves, the Iacobellis served Plaintiff NTC with 219 Requests for Admissions. **Exhibit B**.

Because the Iacobellis have asserted their privileges, Plaintiff NTC is entitled to an inference against them as to the subject matters upon which they have refused to respond, including but not limited to: (a) the amounts improperly stolen and/or diverted by Iacobellis from NTC; (b) that the Iacobellis caused and/or were responsible for the theft and/or diversion of NTC's funds; (c) the uses of NTC's funds by the

Iacobellis and the nature of their purchases, use and benefits to provide themselves and their family members with luxuries, including the Ferrari, trips, home improvements, loan payoff, among other benefits; (d) the improper payment of Susanne's credit cards using NTC funds; (e) the improper payment of Alphons' credit cards using NTC funds; and (f) the actions taken in furtherance of Defendants' conspiracy and scheme to benefit Defendants Morgan and Durden, as well as the now-deceased General Holiefield.

Due to the inference to which NTC is entitled, discovery propounded by the Iacobellis upon such subject matters is improper and unnecessary. In other words, the Iacobellis are entitled to assert the privileges (subject to this Court's determination that such privileges have been properly invoked), but then must stand mute regarding those subject matters for which they refuse to respond (they can use the shield, but cannot then wield a sword).

The Iacobellis should be barred from harassing NTC with 219 Requests for Admissions and 98 subject areas when they themselves have refused to respond to any discovery from Plaintiff relating to those same subjects thereby entitled Plaintiff to an evidentiary inference. A protective order should be issued that prohibits the Iacobellis from serving any discovery or seeking any deposition testimony that relates to the subject matters for which they have asserted the privileges.

Additionally, the Notice of Deposition should be quashed because its inclusion of 98 categories renders it incapable of response through a representative, and such Notice seeks testimony from NTC's representative regarding matters that are no longer subject to discovery due to the Iacobellis' assertion of the privileges, and the Notice seeks irrelevant information. The Requests for Admission should be stricken because they are oppressive in number, not susceptible to response, and seek information upon the inferential categories and other irrelevant information.

II. ANALYSIS

A. Standard of Review

A party commences a civil action when filing a complaint with the court, and after doing so, the parties are permitted to "obtain discovery regarding any matter not privileged, which is relevant to the

subject matter involved in the pending action.” *Thomas M Cooley Law Sch v Doe 1*, 300 Mich App 245, 260 (2013) *quoting* MCR 2.302 (B)(1) (emphasis added). Despite Michigan’s broad discovery policy, the trial court should protect parties from excessive, abusive, or irrelevant discovery requests. *Cooley*, 300 Mich App 245 at 260-261 *citing* *Cabrera v Ekema*, 265 Mich App 402, 407 (2005). In deciding whether to do so, i.e., to seek entry of a protective order from the court, the court turns to the procedure as set forth MCR. 2.302(C). MCR 2.302(C) states, in pertinent part, that a protective order may be granted on a showing of good cause and reasonable notice to “protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense,” including one or more of the following:

- (1) that the discovery not be had;
- (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- *** (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; . . .

“Good cause simply means satisfactory, sound or valid reason.” *People v Buie*, 491 Mich 294, 319 (2012) (internal quotations omitted). The trial court has broad discretion to determine what constitutes “good cause.” See *Id.*, at 319-320. A variety of sound and valid reasons may support a trial court’s decision to limit discovery. Here, for the reasons set forth below, Plaintiff seeks to quash the Notice of Deposition and the Requests for Admissions and to obtain a protective order against the Iacobellis’ harassing and unnecessary discovery.

B. Because the Iacobellis have asserted the spousal privilege and their privileges against self-incrimination, Plaintiff NTC is entitled to an evidentiary inference and the Iacobellis should be prohibited from seeking discovery upon matters that are now deemed inferred against them.

In response to all of Plaintiff’s allegations in the Complaint and discovery requests that seek information from the Iacobellis regarding their theft, use of NTC funds, the payment of their credit cards, the

mechanics of their theft process,¹ and the benefits that they each received from their fraudulent scheme, the Iacobellis asserted their privileges against self-incrimination and refused to answer. The Iacobellis also have not provided a single document in response to Plaintiff's requests for production of documents. So, not only have the Iacobellis fully declined to respond, they have also been fully uncooperative as to matters that are generic facts and documents.

Given that Alphons has already plead guilty to federal crimes based upon the factual predicate of his theft from NTC and the related scheme with his cohorts, it comes as no surprise that Alphons would assert his privilege against self-incrimination in this matter. Also no surprise is that Susanne would invoke the spousal privilege to conceal the conversations between her and Alphons about how they were going to steal funds from NTC and get Susanne's credit cards paid by NTC. However, there are consequences for "taking the Fifth" in civil actions, including that NTC is entitled to an inference against the Iacobellis for all matters for which they "took the Fifth."

"The Fifth Amendment provides that no person 'shall be compelled in any criminal case to be a witness against himself.'" *People v Wyngaard*, 462 Mich 659, 671; 614 NW2d 143 (2000). This privilege "not only permits a person to refuse to testify against himself at a criminal trial in which he is a defendant, but also 'privileges him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings.'" *Id* at 671-672, quoting *Minnesota v Murphy*, 465 US 420, 426; 104 S Ct 1136; 79 L Ed 2d 409 (1984).

Unlike a criminal defendant's right to refuse to testify, the privilege against self-incrimination does not entitle a defendant to refuse to provide testimony in a civil action; rather, a defendant may invoke the privilege only after a potentially incriminating question has been posed. *Larrabee v Sachs*, 201 Mich App 107, 110; 506 NW2d 2 (1993); *People v Guy*, 121 Mich App 592, 612-613; 329 NW2d 435 (1982). When a

¹ For example, Susanne declines to respond as to how her personal credit card bills were submitted to NTC and nearly \$900,000 was paid. NTC suspects that her husband, Alphons, improperly submitted those bills for payment after she provided them to him. However, both Susanne and Alphons have asserted the spousal privilege for the benefit of the other to protect their wrongful scheme from full disclosure. Although they can assert the privileges, NTC is entitled to a presumption of the facts as alleged by NTC.

witness invokes the protection of the Fifth Amendment, it is incumbent on the trial court to determine whether any direct answer can implicate the witness and, on that basis, to either compel the witness to answer or sustain his refusal to do so. *People v Joseph*, 384 Mich 24, 29-30; 179 NW2d 383 (1970); *People v Hoffa*, 318 Mich 656, 661-663; 29 NW2d 292 (1947). A trial judge is necessarily accorded broad discretion in determining the merits of a claimed Fifth Amendment privilege, *United States v Gaitan-Acevedo*, 148 F3d 577, 588 (CA 6, 1998), and the application of Fifth Amendment principles must take into consideration the particular facts and context of the case. *In re Morganroth*, 718 F2d 161, 167 (CA 6, 1983); *Joseph*, *supra* at 29-30; *Guy*, *supra* at 608-609. See also annotations, 42 ALR Fed 793, 72 ALR2d 830 and 5 ALR2d 1404.²

In criminal cases, the court must instruct the jury that it cannot draw an inference of guilt from a defendant's failure to testify about facts relevant to his case, *Griffin v California*, 380 US 609 (1965). In civil cases, "the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them." *Baxter v Palmigiano*, 425 US 308, 318 (1976); *Phillips v Deihm*, 213 Mich App 389, 400 (1995); *Matter of the Estate of Ellis*, 143 Mich App 456, 463 (1985) (emphasis added). In other words, a court is entitled to draw adverse inferences against the defendant that pleads the Fifth, and the jury may be informed that the defendant pleaded the Fifth and declined to testify (or they can see that he or she is doing so at trial), and the jury or the factfinder can consider this factor in deciding whether to impose liability.

Importantly, a party who invokes the Fifth Amendment before trial, such as during discovery, will be barred from later offering evidence or testimony on that issue. *United States v Sixty Thousand Dollars in U.S. Currency*, 763 F Supp 909, 913 (ED Mich 1991). A party may not use the Fifth Amendment to shield himself or herself from the opposition's inquiries during discovery only to impale the opposition with surprise

² The privilege to be free from compelled self-incrimination under the Michigan Constitution is no more or no less extensive than the privilege afforded by the Fifth Amendment; thus, the principles of the federal and state cases are equally applicable. *Paramount Pictures Corp v Miskinis*, 418 Mich 708, 726; 344 NW2d 788 (1984); *In re Stricklin*, 148 Mich App 659, 663; 384 NW2d 883 (1986).

testimony or other evidence at trial. *Id* at 914. Once a civil litigant invokes the Fifth Amendment privilege on an issue, he or she will be barred from introducing other evidence on that issue. *Traficant v Commissioner of the IRS*, 884 F 2d 258, 265 (6th Cir 1989); *In re Heraud*, 410 BR 569, 575-576 (Bank ED Mich 2009).

In *Traficant*, a taxpayer appealed the U.S. Tax Court's decision imposing a penalty for fraud due to the taxpayer's alleged failure to report bribes as income. The Sixth Circuit held that "it was proper under principles of reciprocity for the Tax Court to bar *Traficant*, once he had invoked the privilege against self-incrimination on the authenticity of the statement and the tapes, from introducing other evidence on that matter." *Id* at 265. The court further held that "[s]uch limits are properly within the scope of cases holding that a party to civil litigation or other non-criminal proceedings may encounter costs imposed in exchange for the assertion of the Fifth Amendment privilege." *Id.* (citing *Spevack v Klein*, 385 US 511, 515 (1967) and *Baxter v Palmigiano*, 425 US 308, 318 (1976)).

In this case, the Iacobellis have "taken the Fifth" as to all allegations of wrongdoing made by NTC in its Complaint and all discovery requests that seek facts from them as to their conduct. Likewise, they have refused to produce a single document that would evidence their wrongdoing. As a result, NTC is entitled to an inference against them on all of the alleged facts and documents regarding their conduct. Also, case law supports that the Iacobellis should be barred from introducing any testimony or documents that would relate to any of the subject matters for which they "took the Fifth."

For example of how improper, unfair and repugnant the abuse of discovery and privileges by the Iacobellis has been, and why the prohibition is so important to principles of justice and fairness to avoid prejudice to the party that did not "take the Fifth," the Requests for Admissions seek an admission from NTC that "Susanne did not request the NTC to pay the personal credit card charges of Susanne", yet Susanne invoked her privilege against self-incrimination and the spousal privilege when asked the very same question. See, Request for Admission #133, Exhibit B. Also, Alphons similarly "took the Fifth" and invoked spousal privilege yet seeks an admission from NTC that he "did not direct the NTC to pay the personal credit card charges of" his wife, Susanne. *Id*, #132. So, based upon privilege (including spousal

privilege so their conversations about how to foist their scheme upon NTC is refused), neither Alphons or Susanne will answer as to how Susanne's nearly \$900,000 in personal credit cards were somehow mysteriously paid by NTC yet they propound discovery upon the very same issue to NTC. This type of "privilege whipsaw" where each defendant asserts a privilege and then disclaims knowledge is exactly what the inference should bar and this Court should prohibit.

Accordingly, the oppressive Notice of Deposition and Requests for Admissions should be quashed as they seek to challenge the subject matters for which the Iacobellis have "taken the Fifth" and are barred from presenting any documentary or testimonial evidence. As shown by case law, such a prohibition is the appropriate cost to the Iacobellis for asserting the privileges and choosing to stand mute. They must now stand mute as to those subject matters for all purposes.

C. The Notice and Requests for Admission should both be quashed because they are excessive, not susceptible to response, harassing, and seek irrelevant information.

In addition to the reasons set forth above, the Notice and Requests for Admission should be quashed because they are outrageous, excessive, harassing and seek discovery on matters that are outside the scope of any reasonable relevance to this case.

First, there is no basis for **219 Requests for Admission** as contained in the Iacobellis' First Set of Requests for Admissions to Plaintiff. Exhibit B. Also, the Requests seem to seek information that the Iacobellis intend to try to use outside this litigation. Specifically, the Iacobellis repeatedly cited in their motions for summary disposition that they want NTC to be charged with some crime relating to Defendants' theft scheme. As a result, there are numerous requests seeking information about NTC's agreements with FCA, payments made to or for the benefit of various individuals and companies who are not parties to this case, and various other issues regarding fair labor management practices. None of these issues have any relevance to this case. To the contrary, Alphons seeks to retaliate against NTC for his own crimes and incarceration, which is not any proper focus of discovery.

Next, the Notice of Deposition includes **98 categories of information** that the designated

representative at NTC would need to be able to address at deposition. As above, these categories include wholly irrelevant and inflammatory subject matters, such as FCA's support of NTC, payments/benefits to non-parties and other issues that have nothing to do with this case. For example, there are numerous questions about non-parties' Keith Mickens, Nancy Johnson, Dennis Williams, Richard Palmer, among many others. These persons have no reasonable relationship or relevance to this case and their inclusion is solely to harass NTC and the non-parties. As a result, the Notice should be quashed.³

III. CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter an order that:

- A. Quashes the Notice of Deposition and the Requests for Admissions;
- B. Prohibits the Iacobellis from serving any discovery in this matter to NTC, or such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted,

/s/ Michelle C. Harrell

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Attorneys for Plaintiff
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Dated: December 5, 2018

³ Usually, NTC would request that the irrelevant subject matters be stricken from the Requests and the Notice, thereby leaving the relevant subject matters in place for the representative deposition and responses. However, because the Iacobellis are barred from presenting evidence upon the relevant subject matters due to the inferences against them and applicable case law, the Notice and Requests should be stricken in their entirety.

PROOF OF SERVICE

I hereby certify that on **December 5, 2018**, I electronically filed the above document(s) and this Proof of Service with the Clerk of the Court using the ECF system, which will send notification of such filing to those who are currently on the list to receive e-mail notices for this case.

/s/ Michelle C. Harrell

Michelle C. Harrell (P48768)

FILED Received for Filing Oakland County Clerk 12/5/2018 3:42 PM

EXHIBIT A

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

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NOTICE OF TAKING DEPOSITION PURSUANT TO MCR 2.306(B)(5)

Notice is hereby given that on December 13, 2018, Defendant Alphons Iacobelli will, pursuant to MCR 2.306(B)(5), take the deposition upon oral examination of one or more of the officers, directors, or managing agents of Plaintiff The UAW-Chrysler Skill Development and

Training Program (the "NTC") or other person(s) who consent to testify on its behalf, on the following matters:

1. The decision by the NTC to authorize the institution of this lawsuit.
2. The reason why the NTC has not filed suit against Dennis Williams, Nancy Johnson, Virdell King, Keith Mickens, Norwood Jewell and any other person(s) associated with the International Union, United Automobile, Aerospace and Agriculture Implement Workers of America (the "UAW") to recover the alleged benefit of payments made by the NTC to and/or for their benefit that were not in furtherance of the lawful business activities and/or purpose of the NTC.
3. The reason why the NTC has not filed suit against entities organized by and/or associated with Dennis Williams, Nancy Johnson, Virdell King, Keith Mickens, Norwood Jewell, Cindy Estrada, and any other person(s) associated with the UAW, to recover the alleged benefit of payments made by the NTC to and/or for the benefit of those entities that were not in furtherance of the lawful business activities and/or purpose of the NTC.
4. The assignment by the UAW to the NTC of UAW officials, officers, directors, and/or any other members of that group referred to by the UAW leadership (collectively "Leadership") from 2005 to present with no intention that such UAW Leadership would perform any substantive work at and/or for the benefit of the NTC.
5. The assignment by the UAW to the NTC of any relatives of UAW Leadership from 2005 to present with no intention that such UAW Leadership relatives would perform any substantive work at and/or for the benefit of the NTC.
6. The pay rates for all UAW Leadership and/or relatives of UAW Leadership appointed and/or assigned to the NTC.
7. The "chargeback" by the NTC for payments made to and/or for the benefit of UAW Leadership and/or the relatives of UAW Leadership assigned to the NTC who did not perform substantive work for the NTC but instead spent their time doing work for and/or representing the UAW's interests.
8. The agreement of the NTC to pay a 7% "administrative fee" payable on the amounts "charged back" to Chrysler Corporation and/or Fiat Chrysler Automobiles US LLC (collectively "FCA US") by the NTC for the salaries and benefits payable to the UAW Leadership (and the relatives of UAW Leadership) on the NTC payroll including, but not limited to, the NTC's agreement to and/or the implementation of Ron Gettlefinger's proposal for, imposition of and/or establishment of that "administrative fee."
9. The authority conferred upon and/or vested in Tammy Smith with respect to the planning and/or management of NTC meetings and conferences (including but not limited to those conferences in Las Vegas, Nevada and Florida such as the Florida Benefit Conferences), including, but not limited to, her role in room assignments, payment arrangements for travel, food and accommodations, entertainment and other costs and expenses of attendees related to such meetings and conferences.
10. The purchases made by Virdell King and reimbursement by the NTC of the costs incurred in connection with a party honoring and/or given for the benefit of Norwood Jewell.

11. The identity of the person(s) who authorized the payment(s) and/or remittance(s) by the NTC in connection with, and the amount of payment(s) and/or remittance(s) (by way of reimbursement or otherwise) made in connection with, the party(ies) honoring Nate Gooden and/or arising from and/or related to his retirement.
12. The payments made and/or remittances by the NTC to Union Building Corporation, and the business purposes for all such payments and remittances.
13. The charitable purpose of Union Building Corporation.
14. The damages alleged to have been suffered by the NTC and sought to be recovered in this action.
15. The amounts reimbursed by FCA US to the NTC on account of the alleged payments by the NTC to and/or for the benefit of Alphons Iacobelli.
16. The amounts reimbursed by FCA US to the NTC on account of the alleged payments by the NTC upon the American Express account on which Susanne Iacobelli was the primary cardholder.
17. The business purpose(s) of the NTC.
18. The activities conducted by the NTC that are not consistent with the business purpose(s) of the NTC.
19. Why, if at all, the alleged payments to and/or for the benefit of Alphons Iacobelli were not in furtherance of the business activities and/or purpose of the NTC.
20. Why, if at all, the alleged payments to and/or for the benefit of Dennis Williams, Nancy Johnson, Virdell King, Keith Mickens and any other person(s) associated with the UAW were not in furtherance of the business activities and/or purpose of the NTC.
21. Why, if at all, the alleged payments to and/or for the benefit of Dennis Williams, Nancy Johnson, Virdell King, Keith Mickens and any other person(s) associated with the UAW were not in the ordinary course of business of the NTC.
22. The process required by the NTC from January 1, 2009 to June 9, 2015 for the submission of requests for reimbursement of expenses incurred on behalf of and/or for the benefit of the NTC.
23. The process employed by the NTC from January 1, 2009 to June 9, 2015 for the approval and payment of requests for reimbursement of expenses incurred on behalf of and/or for the benefit of the NTC.
24. How, if at all, Alphons Iacobelli "hid his activities from members of the NTC internal accounting staff and others" as that phrase is used at Complaint ¶14.
25. The identity of the members of the NTC "internal accounting" staff referenced in Complaint ¶14.
26. The identity of the "others" as that term is used at Complaint ¶14.
27. How and when Alphons Iacobelli was, if at all, appointed as a Vice-President of the NTC.
28. The duties, if any, attendant to the position and imposed upon Alphons Iacobelli as a putative Vice-President of the NTC.

29. When and how Alphons Iacobelli was allegedly "entrusted with, among others, the critical task of sustaining and improving vital NTC programs" as that phrase is used at Complaint ¶15.
30. Alphons Iacobelli's agreement, if any, to undertake responsibility on behalf of the NTC for "the critical task sustaining and improving vital NTC programs" as that phrase is used at Complaint ¶15.
31. The means by which Alphons Iacobelli allegedly "controlled the finances and spending of the NTC," as that phrase is used at Complaint ¶16.
32. The identity of each of the officers, directors, employees and agents of the NTC that had any control over the finances/spending by the NTC from June 2009 through June 2015.
33. The role of Richard Palmer in the finances of and spending by the NTC.
34. The role of and the direction given to Glenn Shagnea in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC to FCA US to cover human resources labor costs, and/or payment from the NTC to FCA US to cover fringe benefit costs.
35. The role of and the direction given to Mike Keegan in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC to FCA US to cover labor costs, payment from the NTC to FCA US to cover health care costs, and/or payment from the NTC to FCA US to cover fringe benefit costs.
36. The role of and the direction given to John Franciosi in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC to FCA US to cover labor costs, payment from the NTC to FCA US to cover health care costs, and/or payment from the NTC to FCA US to cover fringe benefit costs.
37. The role of and the direction given to Ken McCarter in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC to FCA US to cover labor costs, payment from the NTC to FCA US to cover health care costs, and/or payment from the NTC to FCA US to cover fringe benefit costs.
38. The role of and the direction given to Mike Jessamy in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC to FCA US to cover labor costs, payment from the NTC to FCA US to cover health care costs, and/or payment from the NTC to FCA US to cover fringe benefit costs.
39. The role of and the direction given to Jimmy Davis in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC to FCA US to cover labor costs, payment from the NTC to FCA US to cover health care costs, and/or payment from the NTC to FCA US to cover fringe benefit costs.
40. The role of and the direction given to Frank Slaughter in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC to FCA US to cover labor costs, payment from the NTC to FCA US to cover health care costs, and/or payment from the NTC to FCA US to cover fringe benefit costs.
41. The role of and the direction given to Dave McAllister in the finances of and spending by the NTC including, but not limited to, any oversight responsibility, payment from the NTC

- to FCA US to cover labor costs, payment from the NTC to FCA US to cover health care costs, and/or payment from the NTC to FCA US to cover fringe benefit costs
42. The identity of those persons who, on behalf of the NTC, authorized the NTC to sponsor, directly and/or indirectly, NASCAR-related events (including races).
 43. The business purpose of the NTC served by the NTC's sponsorship, directly and/or indirectly, of NASCAR-related events (including races).
 44. The identity of those persons who, on behalf of the NTC, authorized the NTC to sponsor, directly and/or indirectly, the UAW-Chrysler 400 NASCAR race(s).
 45. The business purpose of the NTC served by the NTC's sponsorship, directly and/or indirectly, the UAW-Chrysler 400 NASCAR race(s).
 46. The factual basis for the allegation set forth at Complaint ¶19 that the specific charges comprising the referenced \$187,145 in credit card charges were not in payment of charges incurred by Alphons Iacobelli for the benefit of the NTC and/or in furtherance of the conduct of the business affairs of the NTC.
 47. The specific charges that comprise the \$259,298 in credit card charges that were allegedly unrelated to NTC business, as referenced at Complaint ¶20.
 48. How Alphons Iacobelli allegedly directed the NTC to pay the personal credit card charges of Defendant Susanne Iacobelli, as alleged at Complaint ¶23.
 49. The factual basis for the allegation by the NTC and set forth at Complaint ¶23 that all of the charges in the amount of \$868,736 on Susanne Iacobelli's American Express account "were unrelated to NTC business expenses."
 50. How the NTC determined that all of the charges in the amount of \$868,736 on Susanne Iacobelli's American Express account "were unrelated to NTC business expenses."
 51. The specific acts of alleged "active concealment" by Alphons Iacobelli referenced at Complaint ¶26.
 52. The factual basis for the allegation set forth at Complaint ¶29 that Alphons Iacobelli "knowingly concealed payments to themselves [Alphons Iacobelli and Jerome Durden] and others for the purchase of various personal items and travel."
 53. The identity of the person(s) acting on behalf of the NTC entitled to have been made aware, and/or to whom Alphons Iacobelli should have disclosed, the alleged "payments to themselves [Alphons Iacobelli and Jerome Durden] and others for the purchase of various personal items and travel" as that phrase is used at Complaint ¶29.
 54. The factual basis for the allegation set forth at Complaint ¶29 that Alphons Iacobelli engaged in "theft from the NTC."
 55. The factual basis for the allegation set forth at Complaint ¶31 that payments to Alphons Iacobelli were "illegal."
 56. The investigation by the NTC to determine which officers, directors and/or other agents and/or representatives of the NTC were aware of alleged payments to and/or for the benefit of Alphons Iacobelli, and when they were first aware of such payments.

57. The factual basis for the allegation set forth at Complaint ¶31 that Alphons Iacobelli caused the issuance of a check in the amount of \$262,219 to MMS Mortgage Services, Ltd.
58. The factual basis for the allegation set forth at Complaint ¶32 that Alphons Iacobelli caused the NTC "to pay \$544,000 for swimming pools, spas, outdoor kitchens and landscaping at the homes of Defendants Alphons and Susanne Iacobelli and of Defendant Morgan and General Holiefield." issuance of a check in the amount of \$262,219 to MMS Mortgage Services, Ltd.
59. The factual basis for the allegation set forth at Complaint ¶35 that Alphons Iacobelli's engaged in "embezzlement."
60. Alphons Iacobelli's participation, if any, in collecting the NTC credit card statements that were being mailed to the NTC.
61. Alphons Iacobelli's participation, if any, in changing the security settings for the NTC accounting software.
62. The identity of the "senior UAW officials" referenced at Complaint ¶39
63. The specific misrepresentations of material fact referenced at Complaint ¶42, who made those specific alleged misrepresentations and when they were allegedly made.
64. The identity of the person(s) to whom the alleged misrepresentations referenced at Complaint ¶42 were made, and the identity of any other person(s) present at the time of the alleged misrepresentations
65. When the specific misrepresentations referenced at Complaint ¶42 were made.
66. How the specific misrepresentations of material fact referenced at Complaint ¶42 were false when made.
67. How, if at all, the NTC relied upon those misrepresentations referenced at Complaint ¶42.
68. The factual basis for the any claim by the NTC that it reasonably relied upon those alleged misrepresentations referenced at Complaint ¶42.
69. How, if at all, the NTC was suffered damages by reason of any reasonable reliance upon those alleged misrepresentations referenced at Complaint ¶42.
70. Alphons Iacobelli's position as an alleged Director of the NTC (including when he was allegedly appointed to that position, how he was appointed to that position and by whom he was allegedly appointed to that position).
71. Alphons Iacobelli's position as an alleged Co-President of the NTC (including when he was allegedly appointed to that position, how he was appointed to that position, and by whom he was allegedly appointed to that position).
72. When and how the NTC allegedly learned that the alleged misrepresentations referenced at Complaint ¶42 were false.
73. The factual basis for the allegation set forth at Complaint ¶52.
74. The source of the duty, if such duty exists, on the part of Alphons Iacobelli to act in the NTC's best interests.
75. Who on behalf of the NTC resposed trust, faith and confidence in Alphons Iacobelli.

76. How, if at all, the alleged reposing of trust, faith and confidence by the NTC in Alphons Iacobelli was communicated to Alphons Iacobelli
77. The specific act(s) that the NTC alleges were engaged in by Alphons Iacobelli that constituted a breach by Alphons Iacobelli of any duty he may have owed to the NTC.
78. The knowledge held by the NTC that Alphons Iacobelli was at all times acting in the best interests of FCA US.
79. The expectation of the NTC that Alphons Iacobelli would at all times act in the best interests of FCA US.
80. The identity of all persons with personal knowledge of the facts alleged in the Complaint, and the specific personal knowledge held by each such person
81. The specific conduct by Alphons Iacobelli that the NTC claims was take for the purpose of allegedly concealing Mr. Iacobelli's conduct.
82. The identity of the "others" referenced in the first sentence of Complaint ¶65.
83. The identity of the "others" referenced in the first sentence of Complaint ¶66.
84. The factual basis for the allegation set forth at Complaint ¶75.
85. The process by which the NTC requested payment and/or reimbursement from FCA US.
86. The use by the NTC of the "reserve" funds held in an account in the name of the NTC.
87. The use by FCA US of the "reserve" funds held in an account in the name of the NTC.
88. The control by the NTC of the "reserve" funds held in an account in the name of the NTC.
89. The letter agreement(s) between the NTC and FCA US relating to (a) the reimbursement by FCA US to the NTC of funds spent; (b) the advance of money by FCA US to the NTC in anticipation of funds to be spent by the NTC; and/or (c) draw requests by the NTC in connection with the construction of the WCM Academy.
90. The identity of the person(s) who, on behalf of the NTC, had the authority to release funds from the bank account(s) titled in the name of the NTC.
91. The identity of the person(s) who, on behalf of the NTC, had the authority to authorize payment by the NTC from the bank account(s) titled in the name of the NTC.
92. The contribution and/or remittance by the NTC to one or more charities established by and/or associated with one or more of the UAW members of the NTC Board of Directors.
93. The contribution and/or remittance by the NTC to one or more charities established by and/or associated with the UAW members who were or were held out to be officers of the NTC.
94. The use by the NTC of funds held in accounts titled in the NTC bank accounts to pay for extended stays by UAW employees and/or officials in Palm Springs, CA.
95. The process by which the NTC was reimbursed by FCA US for funds expended by and/or on behalf of the NTC.
96. The process by which the NTC was reimbursed by FCA US for funds expended by and/or on behalf of FCA US.

97. The terms and conditions of the letter between John Franciosi and Nate Golden relating to the "backstop" of NTC expenses, addressing the obligation of FCA US to cover incremental expenses up to \$20 Million above the monthly "draw" amount.

98. The "float" maintained by the NTC to cover expenses not recorded on the monthly draw requests made by the NTC to FCA US

The deposition will be taken before a stenographer at the offices of Nedelman Legal Group PLLC, 28580 Orchard Lake Road, Suite 140, Farmington Hills, MI 48334 commencing at 10:00 a.m. and will be continued from day-to-day until completed. You are invited to attend and examine the witness(es).

Respectfully submitted,

By: /s/ Michael A. Nedelman

Michael A. Nedelman (P35433)

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Dated: November 12, 2018

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

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Judith@thegracelawfirm.com

CERTIFICATE OF SERVICE

This is to certify that on November 12, 2018, I served a copy of **Notice of Taking Deposition** on all counsel of record via first class mail. I declare that the above statement is true to the best of my information, knowledge and belief.

/s/ Michelle K. Water
MICHELLE K. WATLER

EXHIBIT B

**STATE OF MICHIGAN
IN THE OAKLAND COUNTY CIRCUIT COURT**

**THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a MICHIGAN NON-PROFIT CORPORATION,**

Plaintiff,

**CASE No. 18-166226-CZ
Hon. D. Langford Morris**

v.

**ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual**

Defendants.

MADDIN, HAUSER, ROTH & HELLER
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DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF

Defendants Alphons Iacobelli and Susanne Iacobelli, through their attorneys, submits the following First Set of Requests for Admission to Plaintiff The UAW-Chrysler Skill Development and Training Program (the "NTC"):

I.
INSTRUCTIONS

A. Reservation of Rights; No Waiver

These discovery requests are not intended and shall not be construed or asserted to constitute a waiver by Defendants of (1) any of their respective defenses to Plaintiff's claims; (2) Defendants' entitlement to summary disposition in its favor; or (3) any claim(s) against Plaintiff or any other party.

B. Requests For Admissions.

These Requests For Admissions are directed to Plaintiff pursuant to MCR 2.312. Plaintiff shall separately admit the matter, deny the matter with specificity or set forth in detail the reasons why such Plaintiff cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission and, when good faith requires that if Plaintiff qualify its answer or denies only a part of a matter of which an admission is requested, Plaintiff shall specify so much of it as is true and qualify or deny the remainder. Plaintiff may not give lack of information or knowledge as a reason for failure to admit or deny unless Plaintiff state that such Plaintiff has made reasonable inquiry and that the information known or obtainable by such Plaintiff is insufficient to enable it to admit or deny.

Any matter admitted pursuant to these Requests For Admissions is conclusively established. Failure to respond in accordance with these instructions and the Michigan Court Rules shall constitute a deemed admission of the matters requested.

In the event Defendants are successful in obtaining by motion or court order that any answer is insufficient or any objection unjustified, Plaintiff shall be held liable for expenses as provided in MCR 2.313(A)(5).

II.
DEFINITION OF TERMS

As used in this First Set of Discovery, the following terms shall have the following meanings:

1. "Complaint" shall mean Plaintiff's June 8, 2018 Complaint in this matter.
2. "Plaintiff" or "NTC" shall mean Plaintiff The UAW-Chrysler Skill Development and Training Program.

3. "Defendants" shall mean Defendants Alphons Iacobelli and Susanne Iacobelli.

4. The term "describe in detail" means:

- A. Describe fully with reference to underlying facts rather than by reference to ultimate facts or conclusions of fact or law;
- B. Where applicable, particularize as to: (i) time, (ii) place, and (iii) manner; and
- C. Set forth all relevant facts necessary for a complete understanding of the act, process, event or thing in question.

- D. "Discovery Requests" means Defendant's First Set of Discovery to Plaintiff.

5. "Document" is intended to have the same meaning as the term is used under MCR 2.309, and includes electronic data. Document includes, without limitation, any of the following whether written (handwritten, typed or printed); printed; and/or reproduced, recorded, kept or maintained by any mechanical or electronic process:

Accounting records and data; actuarial records and data; account statements; advertisements; appointment books; circulars, press releases; agreements; audiotapes; audits; books; calendars; circulars; communications; computations (both in existence and stored in memory components); correspondence; computerized data; computer discs; computer memory; computer tapes; contracts; credit card bills; diagrams, data processing results; diaries; digital video; drafts; drawings; e-mails; graphs; films; financial statements; interoffice communications; invoices; journals; ledgers; letters; licenses; magazines; manuals; maps; memoranda; microfilm and microfiche; minutes; newspaper articles; notebooks; notes; notices; offers; opinions or reports of consultants; pamphlets; papers; periodical bulletins; photographs; plans; printouts; proposals; prospectuses; receipts; regulations; reports; reports of state and federal governments and governmental agencies; rules; tables; telegrams; telephone records; ticket stubs; time sheets and/or logs; transcripts; sketches; summaries, reports or records of telephone conversations, personal interviews,

investigations or negotiations, meetings or conferences; videotapes; word processing documents; work papers; any marginal comments appearing on any document, and all other information, writings, data or records especially those which any person might utilize as a means to refresh recollection, together with things similar to any of the foregoing, however denominated, and other compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form. The term also includes all "writings," "recordings," "originals," and "duplicates," as those terms are defined in Rule 1001 of the Michigan Rules of Evidence, including but not limited to, copies and non-identical copies (whether different from the originals because of notes or marks made on or attached to the copies, or otherwise).

6. When requested to state the "factual basis" of any allegation in a pleading or a preceding answer, identify each occurrence or incident and the fact upon which the answering party relies to support such allegation or answer, including (i) the date thereof; (ii) the place thereof; (iii) the substance of each occurrence or incident and the fact upon which the answering party relies to support the allegation or answer; (iv) identification of each person who participated therein; (v) identification of each person present; and (vi) the source of your knowledge thereof.

7. "FCA US" shall mean FCA US, LLC.

8. When requested to identify or to give the identification or identity of any person, give his/her (i) full name; (ii) current home and business address; (iii) home and business telephone number; (iv) employer, if any, and (v) current position with such employer. When requested to identify documents, recite the complete name, date and any other identifying features of the document.

9. "Leadership" shall mean those officials, officers, directors, and/or any other members of that group referred to by the UAW "leadership."

10. When requested to state the "legal basis" of any allegation made in a pleading or claim made in this case:

A. State the general theory(ies) and principle(s) on which you rely;

B. Set forth specifically with complete citations all laws, statutes, cases, and authorities in support of such theory(ies) and principle(s) applied specifically to the facts and circumstances surrounding the pertinent aspects of the case.

11. "Person" shall mean any individual, partnership, corporation, limited liability company, entity, unincorporated association or trust.

12. "Produce" means that the documents should be delivered to Michael A. Nedelman, Esq. in accordance with the instructions set forth in I.D., *supra*.

DISCOVERY REQUESTS

REQUEST FOR ADMISSION:

1. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Dennis Williams that were not in furtherance of the lawful business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

2. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Nancy Johnson that were not in furtherance of the lawful business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

3. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Virdell King that were not in furtherance of the lawful business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

4. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Keith Mickens that were not in furtherance of the lawful business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

5. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of General Holiefield that were not in furtherance of the lawful business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

6. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Michael Brown that were not in furtherance of the lawful business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

7. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of person(s) associated with the International Union, United Automobile, Aerospace and Agriculture Implement Workers of America (the "UAW") that were not in furtherance of the lawful business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

8. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Dennis Williams that were not in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

9. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Nancy Johnson that were not in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

10. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Virdell King that were not in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

11. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Keith Mickens that were not in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

12. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of General Holiefield that were not in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

13. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of Michael Brown that were not in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

14. Admit that the NTC has concluded that payments were made by the NTC to and/or for the benefit of person(s) associated with the International Union, United Automobile, Aerospace and Agriculture Implement Workers of America (the "UAW") that were not in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

15. Admit that from 2005 to present, the UAW assigned to the NTC UAW officials, officers, directors, and/or any other members of Leadership with no intention that such UAW Leadership would perform any substantive work at and/or for the benefit of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

16. Admit that from 2005 to present the UAW assigned to the NTC relatives of UAW Leadership with no intention that such UAW Leadership relatives would perform any substantive work at and/or for the benefit of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

17. Admit that from 2005 to present the UAW caused the NTC to employ relatives of UAW Leadership with no intention that such UAW Leadership relatives would perform any substantive work at and/or for the benefit of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

18. Admit that the pay rates for all UAW Leadership appointed and/or assigned to the NTC were approximately \$18/hour more than the highest rate paid by FCA US to any employee on the FCA US assembly line.

RESPONSE:

REQUEST FOR ADMISSION:

19. Admit that the pay rates for all relatives of UAW Leadership that UAW Leadership caused to be appointed to, assigned to, engaged by and/or employed by the NTC were approximately \$18/hour more than the highest rate paid by FCA US to any employee on the FCA US assembly line.

RESPONSE:**REQUEST FOR ADMISSION:**

20. Admit that the NTC "charged back" to Chrysler Group LLC, f/k/a Chrysler LLC ("Chrysler") and/or FCA US the payments made to and/or for the benefit of UAW Leadership assigned to the NTC who did not perform substantive work for the NTC but instead spent their time doing work for and/or representing the UAW's interests.

RESPONSE:**REQUEST FOR ADMISSION:**

21. Admit that the NTC "charged back" to Chrysler and/or FCA US the payments made to and/or for the benefit of the relatives of UAW Leadership appointed to, assigned to, engaged by and/or employed by the NTC who did not perform substantive work for the NTC but instead spent their time doing work for and/or representing the UAW's interests.

RESPONSE:**REQUEST FOR ADMISSION:**

22. Admit that the NTC agreed at the request of Ron Gettlefinger to pay a 7% "administrative fee" payable on the amounts "charged back" to FCA US by the NTC for the salaries and benefits payable to the UAW Leadership on the NTC payroll.

RESPONSE:

REQUEST FOR ADMISSION:

23. Admit that the NTC agreed at the request of Ron Gettlefinger to pay a 7% "administrative fee" payable on the amounts "charged back" to Chrysler by the NTC for the salaries and benefits payable to the UAW Leadership on the NTC payroll.

RESPONSE:

REQUEST FOR ADMISSION:

24. Admit that the NTC agreed at the request of Ron Gettlefinger to pay a 7% "administrative fee" payable on the amounts "charged back" to FCA US by the NTC for the salaries and benefits payable to the relatives of UAW Leadership on the NTC payroll.

RESPONSE:

REQUEST FOR ADMISSION:

25. Admit that the NTC agreed at the request of Ron Gettlefinger to pay a 7% "administrative fee" payable on the amounts "charged back" to Chrysler by the NTC for the salaries and benefits payable to the relatives of UAW Leadership on the NTC payroll.

RESPONSE:

REQUEST FOR ADMISSION:

26. Admit that Tammy Smith had unrestricted authority and responsibility with respect to the planning and/or management of NTC meetings and conferences (including but not limited to those conferences in Las Vegas, Nevada and Florida such as the Florida Benefit Conferences), including, but not limited to, room assignments; payment arrangements for travel, food and accommodations; entertainment (including the payment for such entertainment); and other costs and expenses of attendees related to such meetings and conferences.

RESPONSE:

REQUEST FOR ADMISSION:

27. Admit that Virdell King made purchases on behalf of and received reimbursement from the NTC in connection with a party honoring and/or given for the benefit of Norwood Jewell.

RESPONSE:

REQUEST FOR ADMISSION:

28. Admit that an authorized employee, agent and/or representative of the NTC authorized the payment(s) and/or remittance(s) by the NTC in connection with the party(ies) honoring Nate Gooden and/or arising from and/or related to his retirement.

RESPONSE:

REQUEST FOR ADMISSION:

29. Admit that an authorized employee, agent and/or representative of the NTC approved the amount of payment(s) and/or remittance(s) (by way of reimbursement or otherwise) made in connection with, the party(ies) honoring Nate Gooden and/or arising from and/or related to his retirement.

RESPONSE:

REQUEST FOR ADMISSION:

30. Admit that the NTC paid and/or made remittances to Union Building Corporation.

RESPONSE:

REQUEST FOR ADMISSION:

31. Admit that the NTC paid and/or made remittances for the benefit of Union Building Corporation.

RESPONSE:

REQUEST FOR ADMISSION:

32. Admit that the NTC paid and/or made remittances to third parties intended by the NTC to be remitted to Union Building Corporation.

RESPONSE:

REQUEST FOR ADMISSION:

33. Admit that the payments and/or remittances to and/or for the benefit of, or intended by the recipient to be remitted to, Union Building Corporation were not in furtherance of the business purposes of the NTC.

RESPONSE

REQUEST FOR ADMISSION:

34. Admit that Union Building Corporation is not a *bona fide* charity.

RESPONSE:

REQUEST FOR ADMISSION:

35. Admit that the NTC did not suffer any damages as a result of the alleged acts and/or omissions of Alphons Iacobelli as alleged in the Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

36. Admit that Susanne Iacobelli did not benefit from payments made to American Express in satisfaction of the charges made on the American Express account on which Susanne Iacobelli is the primary cardholder, and which charges were made for the benefit of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

37. Admit that the NTC did not suffer any damages as a result of the alleged acts and/or omissions of Susanne Iacobelli as alleged in the Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

38. Admit that FCA US reimbursed the NTC for all alleged payments by the NTC to and/or for the benefit of Alphons Iacobelli.

RESPONSE:

REQUEST FOR ADMISSION:

39. Admit that FCA US reimbursed to the NTC the amount of all payments made by the NTC upon the American Express account on which Susanne Iacobelli was the primary cardholder.

RESPONSE:

REQUEST FOR ADMISSION:

40. Admit that the business purpose(s) of the NTC includes the payment of funds provided by FCA US to officers and employees of the UAW in an effort to obtain benefits for FCA US in the negotiation, implementation and/or administration of the collective bargaining agreements between FCA US and the UAW.

RESPONSE:

REQUEST FOR ADMISSION:

41. Admit that the payment of funds provided by FCA US to officers and employees of the UAW in an effort to obtain benefits for FCA US in the negotiation, implementation and/or administration of the collective bargaining agreements between FCA US and the UAW were payments made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

42. Admit that the business purpose(s) of the NTC includes the payment of funds provided by FCA US to officers and employees of the UAW in an effort to obtain concessions for FCA US in the negotiation, implementation and/or administration of the collective bargaining agreements between FCA US and the UAW.

RESPONSE:

REQUEST FOR ADMISSION:

43. Admit that the business purpose(s) of the NTC includes in the ordinary course of business of the NTC the payment of funds provided by FCA US to officers and employees of the UAW in an effort to obtain concessions for FCA US in the negotiation, implementation and/or administration of the collective bargaining agreements between FCA US and the UAW.

RESPONSE:

REQUEST FOR ADMISSION:

44. Admit that the business purpose(s) of the NTC includes the payment of funds provided by FCA US to officers and employees of the UAW in an effort to obtain advantages for FCA US in the negotiation, implementation and/or administration of the collective bargaining agreements between FCA US and the UAW.

RESPONSE:

REQUEST FOR ADMISSION:

45. Admit that the business purpose(s) of the NTC includes in the ordinary course of business the payment of funds provided by FCA US to officers and employees of the UAW in an effort to obtain advantages for FCA US in the negotiation, implementation and/or administration of the collective bargaining agreements between FCA US and the UAW.

RESPONSE:

REQUEST FOR ADMISSION:

46. Admit that the NTC does not confine its activities to those lawful activities allowed to be conducted by a tax exempt organization as described by Internal Revenue Code §501(c).

RESPONSE:

REQUEST FOR ADMISSION:

47. Admit that the NTC does not in the ordinary course of business of the NTC confine its activities to those lawful activities allowed to be conducted by a tax exempt organization as described by Internal Revenue Code §501(c).

RESPONSE:

REQUEST FOR ADMISSION:

48. Admit that the alleged payments to and/or for the benefit of Alphons Iacobelli were in furtherance of the business activities and/or purpose of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

49. Admit that all of the requests for reimbursement submitted by Alphons Iacobelli were approved by an authorized employee, agent, officer and/or director of the NTC other than Alphons Iacobelli, prior to reimbursement by the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

50. Admit that all of the payments to and/or for the benefit of Alphons Iacobelli were approved by an authorized employee, agent, officer and/or director of the NTC other than Alphons Iacobelli, prior to such payment by the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

51. Admit that all of the payments to and/or for the benefit of Susanne Iacobelli were approved by an authorized employee, agent, officer and/or director of the NTC other than Alphons Iacobelli, prior to such payment by the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

52. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Dennis Williams were in furtherance of the usual and customary business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

53. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Nancy Johnson were in furtherance of the usual and customary business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

54. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Virdell King were in furtherance of the usual and customary business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

55. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Keith Mickens were in furtherance of the usual and customary business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

56. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Monica Morgan were in furtherance of the usual and customary business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

57. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of any other person(s) associated with the UAW were in furtherance of the usual and customary business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

58. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Dennis Williams, Nancy Johnson, Virdell King, Keith Mickens and any other person(s) associated with the UAW were in furtherance of the usual and customary business activities of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

59. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Dennis Williams were in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

60. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Nancy Johnson were in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

61. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Virdell King were in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

62. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Keith Mickens were in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

63. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Monica Morgan were in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

64. Admit that all of the payments that were made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of any other person(s) associated with the UAW were in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

65. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Dennis Williams, Nancy Johnson, Virdell King, Keith Mickens and any other person(s) associated with the UAW were in furtherance of the purpose(s) of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

66. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Dennis Williams, Nancy Johnson, Virdell King, Keith Mickens and any other person(s) associated with the UAW were authorized by one or more directors of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

67. Admit that all of the payments made to and/or for the benefit Alphons Iacobelli were authorized by one or more directors of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

68. Admit that all of the payments made to and/or for the benefit Alphons Iacobelli were authorized by one or more authorized officers, agents and/or employees of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

69. Admit that all of the payments made by the NTC to and/or for the benefit of Susanne Iacobelli were authorized by one or more officers, directors, agents and/or employees of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

70. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Dennis Williams were authorized by one or more authorized officers, directors, employees and/or agents of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

71. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Nancy Johnson were authorized by one or more authorized officers, directors, employees and/or agents of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

72. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Virdell King were authorized by one or more authorized officers, directors, employees and/or agents of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

73. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Michael Brown were authorized by one or more authorized officers, directors, employees and/or agents of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

74. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of any person(s) associated with the UAW were authorized by one or more authorized officers, directors, employees and/or agents of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

75. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of General Holiefield were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

76. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Dennis Williams, were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

77. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Nancy Johnson, were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

78. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Virdell King, were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

79. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Keith Mickens, were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

80. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of Michael Brown, were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

81. Admit that all of the payments made by the NTC at the request of Alphons Iacobelli to and/or for the benefit of each person(s) associated with the UAW were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

82. Admit that all of the payments by the NTC made at the request of Alphons Iacobelli to and/or for the benefit of General Holiefield, were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

83. Admit that all of the payments by the NTC made at the request of Jerome Durden to and/or for the benefit of Dennis Williams were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

84. Admit that all of the payments by the NTC made at the request of Jerome Durden to and/or for the benefit of Nancy Johnson were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

85. Admit that all of the payments by the NTC made at the request of Jerome Durden to and/or for the benefit of Virdell King were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

86. Admit that all of the payments by the NTC made at the request of Jerome Durden to and/or for the benefit of Keith Mickens were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

87. Admit that all of the payments by the NTC made at the request of Jerome Durden to and/or for the benefit of Michael Brown were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

88. Admit that all of the payments by the NTC made at the request of Jerome Durden to and/or for the benefit of any other person(s) associated with the UAW were made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

89. Admit that all of the alleged payments made by the NTC to and/or for the benefit of General Holiefield were not made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

90. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Dennis Williams were not made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

91. Admit that all of the alleged payments made by the NTC to and/or for the benefit Nancy Johnson were not made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

92. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Virdell King were not made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

93. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Keith Mickens were not made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

94. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Michael Brown were not made in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

95. Admit that all of the alleged payments made by the NTC to and/or for the benefit of any other person(s) associated with the UAW were not in the ordinary course of business of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

96. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Dennis Williams were not lawfully permitted to be made by the NTC as an organization claiming non-profit status under 26 U.S.C. §501(c)(5).

RESPONSE:

REQUEST FOR ADMISSION:

97. Admit that all of the alleged payments made by the NTC to and/or for the benefit Nancy Johnson were not lawfully permitted to be made by the NTC as an organization claiming non-profit status under 26 U.S.C. §501(c)(5).

RESPONSE:

REQUEST FOR ADMISSION:

98. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Virdell King were not lawfully permitted to be made by the NTC as an organization claiming non-profit status under 26 U.S.C. §501(c)(5).

RESPONSE:

REQUEST FOR ADMISSION:

99. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Keith Mickens were not lawfully permitted to be made by the NTC as an organization claiming non-profit status under 26 U.S.C. §501(c)(5).

RESPONSE:

REQUEST FOR ADMISSION:

100. Admit that all of the alleged payments made by the NTC to and/or for the benefit of Michael Brown were not lawfully permitted to be made by the NTC as an organization claiming non-profit status under 26 U.S.C. §501(c)(5).

RESPONSE:

REQUEST FOR ADMISSION:

101. Admit that all of the alleged payments made by the NTC to and/or for the benefit of any other person(s) associated with the UAW were not lawfully permitted to be made by the NTC as an organization claiming non-profit status under 26 U.S.C. §501(c)(5).

RESPONSE:

REQUEST FOR ADMISSION:

102. Admit that Alphons Iacobelli did not have the authority to approve reimbursement to himself of charges made on behalf of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

103. Admit that Alphons Iacobelli did not authorize reimbursement to himself of charges made on behalf of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

104. Admit that the process employed by the NTC from January 1, 2009 to June 9, 2015 for the approval and payment of requests for reimbursement of expenses incurred on behalf of and/or for the benefit of the NTC required final approval by Richard Palmer ("Palmer").

RESPONSE:

REQUEST FOR ADMISSION:

105. Admit that Alphons Iacobelli never “hid his activities from members of the NTC internal accounting staff and others” as that phrase is used at Complaint ¶14.

RESPONSE:

REQUEST FOR ADMISSION:

106. Admit that the NTC did not in all respects function as a labor management committee within the meaning of the Labor Management Labor Relations Act, 29 U.S.C. §186(c)(9).

RESPONSE:

REQUEST FOR ADMISSION:

107. Admit that Alphons Iacobelli was never appointed as a Vice-President of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

108. Admit that Alphons Iacobelli was never “entrusted with, among others, the critical task of sustaining and improving vital NTC programs” as that phrase is used at Complaint ¶15.

RESPONSE:

REQUEST FOR ADMISSION:

109. Admit that Alphons Iacobelli never agreed to undertake responsibility on behalf of the NTC for “the critical task sustaining and improving vital NTC programs” as that phrase is used at Complaint ¶15.

RESPONSE:

REQUEST FOR ADMISSION:

110. Admit that Alphons Iacobelli never “controlled the finances and spending of the NTC,” as that phrase is used at Complaint ¶16.

RESPONSE:

REQUEST FOR ADMISSION:

111. Admit that Palmer was required to approve all expenditures by the NTC for the period of June 8, 2012 through June 9, 2015.

RESPONSE:

REQUEST FOR ADMISSION:

112. Admit that Palmer approved the payments allegedly made to Alphons Iacobelli that form the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

113. Admit that Palmer was not misled as to the purpose of the payments allegedly made to Alphons Iacobelli forming the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

114. Admit that Palmer was not misled as to the purpose of the payments allegedly made for the benefit of Alphons Iacobelli forming the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

115. Admit that Palmer was not misled as to the purpose of the payments allegedly made for the benefit of Susanne Iacobelli forming the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

116. Admit that Palmer approved the payments to Jerome Durden that form the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

117. Admit that Palmer was not misled as to the purpose of the payments to Jerome Durden forming the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

118. Admit that Palmer was not misled as to the purpose of the payments made for the benefit of Jerome Durden forming the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

119. Admit that Palmer approved the payments to Monica Morgan that form the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

120. Admit that Palmer was not misled as to the purpose of the payments to Monica Morgan forming the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

121. Admit that Palmer was not misled as to the purpose of the payments made for the benefit of Monica Morgan forming the subject matter of Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

122. Admit that Palmer approved the payments to General Holiefield that that are described in Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

123. Admit that Palmer was not misled as to the purpose of the payments to General Holiefield that are described in Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

124. Admit that Palmer was not misled as to the purpose of the payments made for the benefit of General Holiefield that are described in Plaintiff's Complaint.

RESPONSE:

REQUEST FOR ADMISSION:

125. Admit that the NTC sponsored, directly and/or indirectly, NASCAR-related events (including races).

RESPONSE:

REQUEST FOR ADMISSION:

126. Admit that the NTC's sponsorship, directly and/or indirectly, of NASCAR-related events (including races) was not an activity allowed to be conducted by the NTC as a tax-exempt organization described by Internal Revenue Code §501(c).

RESPONSE:

REQUEST FOR ADMISSION:

127. Admit that the NTC sponsored, directly and/or indirectly, the UAW-Chrysler 400 NASCAR race(s).

RESPONSE:

REQUEST FOR ADMISSION:

128. Admit that the NTC's sponsorship, directly and/or indirectly, the UAW-Chrysler 400 NASCAR race(s), is not an activity allowed to be conducted by the NTC as a tax-exempt organization described by Internal Revenue Code §501(c)

RESPONSE:

REQUEST FOR ADMISSION:

129. Admit that the NTC does not have any facts to support the allegation set forth at Complaint ¶19 that the specific charges comprising the referenced \$187,145 in credit card charges were not in payment of charges incurred by Alphons Iacobelli for the benefit of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

130. Admit that the NTC does not have any facts to support the allegation set forth at Complaint ¶19 that the specific charges comprising the referenced \$187,145 in credit card charges were not in payment of charges incurred by Alphons Iacobelli in furtherance of the conduct of the business affairs of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

131. Admit that the NTC cannot identify the specific charges that comprise the \$259,298 in credit card charges that were allegedly unrelated to NTC business, as referenced at Complaint ¶20.

RESPONSE:**REQUEST FOR ADMISSION:**

132. Admit that Alphons Iacobelli did not direct the NTC to pay the personal credit card charges of Defendant Susanne Iacobelli, as alleged at Complaint ¶23.

RESPONSE:**REQUEST FOR ADMISSION:**

133. Admit that Susanne Iacobelli did not request the NTC to pay the personal credit card charges of Defendant Susanne Iacobelli, as alleged at Complaint ¶23.

RESPONSE:**REQUEST FOR ADMISSION:**

134. Admit that there is no factual basis for the allegation by the NTC and set forth at Complaint ¶23 that all of the charges in the amount of \$868,736 on Susanne Iacobelli's American Express account "were unrelated to NTC business expenses."

RESPONSE:**REQUEST FOR ADMISSION:**

135. Admit that the NTC cannot in good faith allege that all of the charges in the amount of \$868,736 on Susanne Iacobelli's American Express account "were unrelated to NTC business expenses."

RESPONSE:**REQUEST FOR ADMISSION:**

136. Admit that the NTC does not have any factual support for the allegation set forth at Complaint ¶26 that Alphons Iacobelli engaged in any "active concealment."

RESPONSE:

REQUEST FOR ADMISSION:

137. Admit that the NTC has no factual basis to support the allegation set forth at Complaint ¶29 that Alphons Iacobelli “knowingly concealed payments to themselves [Alphons Iacobelli and Jerome Durden] and others for the purchase of various personal items and travel.”

RESPONSE:

REQUEST FOR ADMISSION:

138. Admit that Alphons Iacobelli disclosed to one or more officers or directors of the NTC, including those appointed by the UAW to the NTC, the alleged “payments to themselves [Alphons Iacobelli and Jerome Durden] and others for the purchase of various personal items and travel” as that phrase is used at Complaint ¶29.

RESPONSE:

REQUEST FOR ADMISSION:

139. Admit that the NTC knew, prior to June 9, 2015, of all of the payments by the NTC to and/or for the benefit of Alphons Iacobelli.

RESPONSE:

REQUEST FOR ADMISSION:

140. Admit that the NTC knew, prior to June 9, 2015, of all of the payments by the NTC to and/or for the benefit of Susanne Iacobelli.

RESPONSE

REQUEST FOR ADMISSION:

141. Admit that the NTC has no factual basis to support the allegation set forth at Complaint ¶29 that Alphons Iacobelli engaged in “theft from the NTC.”

RESPONSE:

REQUEST FOR ADMISSION:

142. Admit that the NTC has no factual basis to support the allegation set forth at Complaint ¶31 that payments to Alphons Iacobelli were “illegal.”

RESPONSE:

REQUEST FOR ADMISSION:

143. Admit that the NTC has not conducted any investigation to determine which officers, directors and/or other agents and/or representatives of the NTC were aware of alleged payments to and/or for the benefit of Alphons Iacobelli contemporaneously with such payments.

RESPONSE:

REQUEST FOR ADMISSION:

144. Admit that the NTC has not conducted any investigation to determine which officers, directors and/or other agents and/or representatives of the NTC were aware of alleged payments to and/or for the benefit of Alphons Iacobelli and when the NTC was first aware of such payments.

RESPONSE:

REQUEST FOR ADMISSION:

145. Admit that the NTC has no factual basis to support the allegation set forth at Complaint ¶31 that Alphons Iacobelli caused the issuance of a check in the amount of \$262,219 to MMS Mortgage Services, Ltd.

RESPONSE:

REQUEST FOR ADMISSION:

146. Admit that the NTC's issuance of a check in the amount of \$262,219 to MMS Mortgage Services, Ltd. was authorized by one or more officers of the NTC other than Alphons Iacobelli.

RESPONSE:

REQUEST FOR ADMISSION:

147. Admit that the Alphons Iacobelli's disclosure of disbursements by the NTC was sufficient to constitute disclosure to the NTC of such disbursements.

RESPONSE:

REQUEST FOR ADMISSION:

148. Admit that the General Holiefield's actual knowledge of disbursements by the NTC was sufficient to constitute the knowledge of the NTC of such disbursements.

RESPONSE:

REQUEST FOR ADMISSION:

149. Admit that the Richard Palmer's actual knowledge of disbursements by the NTC was sufficient to constitute the knowledge of the NTC of such disbursements.

RESPONSE:

REQUEST FOR ADMISSION:

150. Admit that the NTC has no factual basis to support the allegation set forth at Complaint ¶32 that Alphons Iacobelli caused the NTC "to pay \$544,000 for swimming pools, spas, outdoor kitchens and landscaping at the homes of Defendants Alphons and Susanne Iacobelli and of Defendant Morgan and General Holiefield." issuance of a check in the amount of \$262,219 to MMS Mortgage Services, Ltd.

RESPONSE:

REQUEST FOR ADMISSION:

151. Admit that the NTC has no factual basis to support the allegation set forth at Complaint ¶35 that Alphons Iacobelli's engaged in "embezzlement."

RESPONSE:

REQUEST FOR ADMISSION:

152. Admit that the NTC has no factual basis to support any contention that Alphons Iacobelli participated in collecting the NTC credit card statements that were being mailed to the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

153. Admit that the NTC has no factual basis to support any contention that Alphons Iacobelli participated in changing the security settings for the NTC accounting software.

RESPONSE:

REQUEST FOR ADMISSION:

154. Admit that the NTC has no factual basis to support the allegation at Complaint ¶42 that Alphons Iacobelli made any misrepresentations of material fact to the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

155. Admit that the specific misrepresentations of material fact referenced at Complaint ¶42 were not false when made.

RESPONSE:

REQUEST FOR ADMISSION:

156. Admit that the NTC did not rely upon those misrepresentations referenced at Complaint ¶42.

RESPONSE:

REQUEST FOR ADMISSION:

157. Admit that the NTC has no factual basis to support the allegation at Complaint ¶42 that it reasonably relied upon those alleged misrepresentations referenced at Complaint ¶42.

RESPONSE:

REQUEST FOR ADMISSION:

158. Admit that the NTC did not suffer any damages by reason of any reasonable reliance upon those alleged misrepresentations referenced at Complaint ¶42.

RESPONSE:

REQUEST FOR ADMISSION:

159. Admit that Alphons Iacobelli was never a Director of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

160. Admit that Alphons Iacobelli was never a Co-President of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

161. Admit that the NTC learned prior to June 9, 2015 that the alleged misrepresentations referenced at Complaint ¶42 were false.

RESPONSE:

REQUEST FOR ADMISSION:

162. Admit that the NTC has no factual basis to support the allegations set forth at Complaint ¶52.

RESPONSE:

REQUEST FOR ADMISSION:

163. Admit that Alphons Iacobelli did not have any duty to act in the NTC's best interests.

RESPONSE:

REQUEST FOR ADMISSION:

164. Admit that the NTC did not repose trust, faith and confidence in Alphons Iacobelli.

RESPONSE:

REQUEST FOR ADMISSION:

165. Admit that the NTC never communicated to Alphons Iacobelli that the NTC believed that it had reposed of trust, faith and confidence in Alphons Iacobelli.

RESPONSE:

REQUEST FOR ADMISSION:

166. Admit that the NTC never communicated to Alphons Iacobelli that the NTC believed that it expected Alphons Iacobelli to act in the best interests of the NTC and not FCA US.

RESPONSE:

REQUEST FOR ADMISSION:

167. Admit that the NTC expected Alphons Iacobelli to act in the best interests of FCA US.

RESPONSE:

REQUEST FOR ADMISSION:

168. Admit that Alphons Iacobelli did not engage in any conduct that concealing the existence of the NTC's claims against Mr. Iacobelli.

RESPONSE:

REQUEST FOR ADMISSION:

169. Admit that the NTC has no factual basis to support the allegation at Complaint ¶75.

RESPONSE:

REQUEST FOR ADMISSION:

170. Admit that the NTC requested payment and/or reimbursement from FCA US for all sums expended by the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

171. Admit that the NTC received payment and/or reimbursement from FCA US for all sums expended by the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

172. Admit that the process by which the NTC requested payment and /or reimbursement from FCA US was established prior to the commencement of Alphons Iacobelli's association with the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

173. Admit that the process by which the NTC requested payment and /or reimbursement from FCA US was established prior to the commencement of Alphons Iacobelli's association with the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

174. Admit that the NTC used the "reserve" funds held in an account in the name of the NTC for the purpose of making payments to and providing things of value to UAW officers, UAW employees and others within the scope of UAW Leadership (or the relatives of the foregoing) in an effort to obtain benefits, concessions, and advantages for FCA US in the negotiation, implementation, and administration of the collective bargaining agreements between FCA US and the UAW.

RESPONSE:

REQUEST FOR ADMISSION:

175. Admit that FCA US used the "reserve" funds held in an account in the name of the NTC for the benefit of FCA US.

RESPONSE:

REQUEST FOR ADMISSION:

176. Admit that Chrysler used the "reserve" funds held in an account in the name of the NTC for the benefit of FCA US.

RESPONSE:

REQUEST FOR ADMISSION:

177. Admit that Chrysler controlled the use by the NTC of the "reserve" funds held in an account in the name of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

178. Admit that there is one or more letter agreement(s) between the NTC and FCA US relating to the reimbursement by FCA US to the NTC of funds spent.

RESPONSE:

REQUEST FOR ADMISSION:

179. Admit that there is one or more letter agreement(s) between the NTC and FCA US relating to the advance of money by FCA US to the NTC in anticipation of funds to be spent by the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

180. Admit that there is one or more letter agreement(s) between the NTC and FCA US relating to draw requests by the NTC in connection with the construction of the WCM Academy.

RESPONSE:

REQUEST FOR ADMISSION:

181. Admit that Alphons Iacobelli did not have any authority to release funds from the bank account(s) titled in the name of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

182. Admit that Alphons Iacobelli did not have any authority to authorize payment by the NTC from the bank account(s) titled in the name of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

183. Admit that Alphons Iacobelli was not responsible for determining the amount of any contribution and/or remittance by the NTC to one or more charities established by and/or associated with one or more of the UAW members of the NTC Board of Directors, and/or UAW Leadership.

RESPONSE:**REQUEST FOR ADMISSION:**

184. Admit that Jerome Durden did not have any authority to authorize payment by the NTC from the bank account(s) titled in the name of the NTC.

RESPONSE:**REQUEST FOR ADMISSION:**

185. Admit that Jerome Durden was not responsible for determining the amount of any contribution and/or remittance by the NTC to one or more charities established by and/or associated with one or more of the UAW members of the NTC Board of Directors, and/or UAW Leadership.

RESPONSE:**REQUEST FOR ADMISSION:**

186. Admit that in the ordinary course of business of the NTC, the NTC made contribution and/or remittances to one or more charities established by and/or associated with the UAW members who were or were held out to be officers of the NTC.

RESPONSE:**REQUEST FOR ADMISSION:**

187. Admit that the NTC used funds held in accounts titled in the NTC bank accounts to pay for extended stays by UAW employees and/or officials in Palm Springs, CA.

RESPONSE:

REQUEST FOR ADMISSION:

188. Admit that Alphons Iacobelli did not establish the process by which the NTC was reimbursed by FCA US for funds expended by and/or on behalf of the NTC.

RESPONSE:**REQUEST FOR ADMISSION:**

189. Admit that Alphons Iacobelli was required to follow the process by which the NTC was reimbursed by FCA US for funds expended by and/or on behalf of FCA US.

RESPONSE:**REQUEST FOR ADMISSION:**

190. Admit the existence of a letter agreement (or other writing, however denominated) between John Franciosi and Nate Golden relating to the "backstop" of NTC expenses, addressing the obligation of FCA US to cover incremental expenses up to \$20 Million above the monthly "draw" amount.

RESPONSE:**REQUEST FOR ADMISSION:**

191. Admit that pursuant to a letter agreement between FCA US and the UAW, the "float" maintained by the NTC to cover expenses not recorded on the monthly draw requests made by the NTC to FCA US

REQUEST FOR ADMISSION:

192. Admit that the NTC is not a *bona fide* tax exempt organization within the meaning of Internal Revenue Code §501(c).

RESPONSE:

REQUEST FOR ADMISSION:

193. Admit that the particular NTC "Vice President" position occupied by Alphons Iacobelli was actually held by FCA US, and was occupied from time-to-time by Alphons Iacobelli as the person designated by FCA US to hold that position.

RESPONSE:

REQUEST FOR ADMISSION:

194. Admit that the particular NTC "Vice President" position occupied by Alphons Iacobelli was actually held by FCA US, and that Alphons Iacobelli occupied that position on behalf of FCA US, and served at the pleasure of FCA US.

RESPONSE:

REQUEST FOR ADMISSION:

195. Admit that the particular NTC position of "Co-Chair of the Joint Activities Board" was actually held by FCA US, and was occupied from time-to-time by Alphons Iacobelli as the person designated by FCA US to hold that position.

RESPONSE:

REQUEST FOR ADMISSION:

196. Admit that the particular NTC position of "Co-Chair of the Joint Activities Board" was actually held by FCA US, and was occupied from time-to-time by Alphons Iacobelli on behalf of FCA US and served at the pleasure of FCA US.

RESPONSE:

REQUEST FOR ADMISSION:

197. Admit that at all relevant times, Alphons Iacobelli was FCA US's designee to the position of Vice-President of the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

198. Admit that during the entirety of Alphons Iacobelli's association with the NTC, Mr. Iacobelli was FCA US's designee as Co-Chairman of the Joint Activities Board.

RESPONSE:

REQUEST FOR ADMISSION:

199. Admit that the particular NTC position of "Co-Chair of the Joint Activities Board" occupied by Alphons Iacobelli was actually held by FCA US, and was occupied from time-to-time by Alphons Iacobelli as the person designated by FCA US to hold that position.

RESPONSE:

REQUEST FOR ADMISSION:

200. Admit that Chrysler did not assign to FCA US the rights held by Chrysler in the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

201. Admit that disclosure by Alphons Iacobelli to any director and/or officer of the NTC of the payment(s) to Alphons Iacobelli satisfied Alphons Iacobelli's obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

202. Admit that disclosure by Alphons Iacobelli to any director and/or officer of the NTC of the payment(s) for the benefit of Alphons Iacobelli satisfied Alphons Iacobelli's obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

203. Admit that disclosure by Alphons Iacobelli to any director and/or officer of the payment(s), if any, for the benefit of Susanne Iacobelli satisfied Alphons Iacobelli's obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

204. Admit that the actual knowledge of any director of the NTC of the payment(s) to and/or for the benefit of Alphons Iacobelli relieved Alphons Iacobelli of the obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

205. Admit that the actual knowledge of any officer of the NTC of the payment(s) to and/or for the benefit of Alphons Iacobelli relieved Alphons Iacobelli of the obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

206. Admit that disclosure by Jerome Durden to any director and/or director of the NTC of the payment(s) to Alphons Iacobelli constituted disclosure of such payment(s) to the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

207. Admit that disclosure by Jerome Durden to any director and/or officer of the NTC of the payment(s) for the benefit of Alphons Iacobelli constituted disclosure of such payment(s) to the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

208. Admit that disclosure by Jerome Durden to any director and/or officer of the payment(s) for the benefit of Susanne Iacobelli constituted disclosure of such payment(s) to the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

209. Admit that the actual knowledge by any director of the NTC of the payment(s) to and/or for the benefit of Alphons Iacobelli constituted knowledge of the NTC of such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

210. Admit that the actual knowledge by any officer of the NTC of the payment(s) to and/or for the benefit of Alphons Iacobelli constituted knowledge of the NTC of such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

211. Admit that the actual knowledge by any director of the NTC of the payment(s) to and/or for the benefit of Susanne Iacobelli constituted knowledge of the NTC of such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

212. Admit that the actual knowledge by any officer of the NTC of the payment(s) to and/or for the benefit of Susanne Iacobelli constituted knowledge of the NTC of such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

213. Admit that disclosure by Jerome Durden and/or Alphons Iacobelli to any director and/or officer of the NTC of the payment(s) to Jerome Durden satisfied Alphons Iacobelli's obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

214. Admit that disclosure by Jerome Durden and/or Alphons Iacobelli to any director and/or officer of the NTC of the payment(s) to Jerome Durden satisfied Jerome Durden's obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

215. Admit that disclosure by Jerome Durden and/or Alphons Iacobelli to any director of the NTC of the payment(s) for the benefit of Jerome Durden satisfied Alphons Iacobelli's obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

216. Admit that disclosure by Jerome Durden to any director of the NTC of the payment(s) for the benefit of Susanne Iacobelli satisfied the obligation, if any, of Jerome Durden and/or Alphons Iacobelli to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

217. Admit that the actual knowledge by any director and/or officer of the NTC of the payment(s) to and/or for the benefit of Alphons Iacobelli relieved Alphons Iacobelli of the obligation, if any, to disclose to the NTC such payment(s).

RESPONSE:

REQUEST FOR ADMISSION:

218. Admit that disclosure by Alphons Iacobelli to any director of the NTC of the payment(s) to Alphons Iacobelli constituted disclosure of such payment(s) by Alphons Iacobelli to the NTC.

RESPONSE:

REQUEST FOR ADMISSION:

219. Admit that disclosure by Jerome Durden to any director of the NTC of the payment(s) for the benefit of Jerome Durden constituted disclosure of such payment(s) by Alphons Iacobelli to the NTC.

RESPONSE:

Respectfully submitted,

NEDELMAN LEGAL GROUP PLLC

By: /s/ Michael A. Nedelman

Michael A. Nedelman (P35433)

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Dated: November 21, 2018

FILED Received for Filing Oakland County Clerk 12/5/2018 3:42 PM

STATE OF MICHIGAN
IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a MICHIGAN NON-PROFIT CORPORATION,

Plaintiff,

CASE No. 18-166226-CZ
Hon. D. Langford Morris

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual

Defendants.

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CERTIFICATE OF SERVICE

This is to certify that on November 21, 2018 I served a copy of **Defendants' First Request for Admission to Plaintiff** and this **Certificate of Service**, on:

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By: Michelle C. Harrell (P48768)

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via email. I declare that the above statements are true to the best of my knowledge, information and belief.

/s/ Michael A. Nedelman

Michael A. Nedelman

EXHIBIT C

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

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**DEFENDANT ALPHONS IACOBELLI'S RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Defendant Alphons Iacobelli responds as follows in response to Plaintiff's First Set of Interrogatories and Requests for Production of Documents ("Discovery Requests") to Defendant Alphons Iacobelli.

GENERAL OBJECTION: Defendant objects to all of the Interrogatories for the reason that Defendant is prohibited by MCL §600.2162 from testifying in this matter (which includes being required to answer under oath any Interrogatories) absent the consent of his spouse, Susanne Iacobelli, a co-Defendant in this matter; Ms. Iacobelli has not consented to Alphons Iacobelli testifying in this matter. This General Objection is incorporated by reference into each of the following responses as if fully set forth therein. Additional objections are asserted as appropriate to specific Interrogatories in an effort to apprise Plaintiff of those additional applicable objections and/or privileges; provided, however, that Defendant reserves the right to assert such other defenses and/or privileges as may be appropriate if further responses to these Interrogatories are required.

INTERROGATORIES

INTERROGATORY:

1. Have you read and reviewed the definitions and instructions that constitute the preamble to these Discovery Requests?

ANSWER:

See General Objection.

INTERROGATORY:

2. Identify the person(s) answering these Discovery Requests, as well as each person(s) who assisted in such answers other than counsel.

ANSWER:

See General Objection.

INTERROGATORY:

3. Identify each person you consulted in responding to these Discovery Requests, other than counsel, and state the nature of your relationship to each identified person.

ANSWER:

See General Objection.

INTERROGATORY:

4. Prior to signing and responding to these Discovery Requests, have you made a full and complete search of your books, records, papers, and all other documents with a view toward eliciting all available information necessary to answering and responding to each Interrogatory and Document Request? If your answer is "No", please:

- a. State each reason why you have chosen not to conduct a full and complete search and inquiry, as referenced above;
- b. Identify each book, record, paper, or other document you could have consulted in providing full and complete responses to these Interrogatories and Document Requests, but chose not to consult; and
- c. Pursuant to MCR 2.310, produce copies of all documents identified in your response to Interrogatory No. 4 b, above.

ANSWER:

See General Objection.

INTERROGATORY:

5. Identify all persons which you know of, or intend to call or may call as a witness at trial, and/or who have or are believed to have knowledge of any of the facts or contentions alleged in the Complaint, or in any documents relating thereto or regarding same, and for each such person state:

- a. The person's full name, address and phone number;
- b. The relationship of the person to you and the claims in this case;

- c. Whether you have taken any written or recorded statements from such person regarding any of the facts involved in this case, and, if so, state (i) the date each statement was taken; (ii) the identity of the person who took each statement; and (iii) the identity of the person who has custody of each statement;
- d. Whether each person is presently, or has ever been, employed/retained by any party herein and, if so, which party and in what capacity;
- e. With particularity the facts and/or knowledge which the person has and/or the expected content and substance of the person's testimony; and
- f. The identity of all documents on which the person may rely on in support of his/her testimony.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

6. Identify each expert you have consulted or employed to render an opinion with respect to the subject matter of this litigation, regardless of whether you have retained or compensated such expert(s) and regardless of whether you intend to call such expert(s) at trial, and as to each such expert state:

- a. The subject matter about which the expert is expected to testify;
- b. The substance of the facts and opinions to which the expert is expected to testify, and
- c. A summary of the grounds for each expert's opinion.

ANSWER:

See General Objection.

INTERROGATORY:

7. Provide the following as to each and every financial institution you have held any type of account from 2010 to the present:

- a. The name of the financial institution.
- b. The address of the financial institution.
- c. The account number.
- d. All name(s) on the account.
- e. All name(s) of the authorized signatories on the account.
- f. The type of account, *e.g.*, checking, savings, money market, certificate of deposit, IRA, mutual funds, securities.
- g. The date of opening the account.
- h. The date of closing the account (if applicable).

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

8. Provide the following as to every credit card account you have had and/or used from 2010 to the present:

- a. The type of credit card, *e.g.*, Visa, Mastercard, American Express, Discover.
- b. The name of financial institution for the credit card account.
- c. The account number.
- d. The name of all authorized users on the credit card account.
- e. The date of opening the credit card account.
- f. The date of closing the credit card account (if applicable).

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

9. If you currently own any real property, for each property provide the following:
- a. Address;
 - b. Date of purchase;
 - c. Purchase price;
 - d. Identify any co-owners; and
 - e. Identify any mortgages, liens or other encumbrances.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

10. Have you sold any real property that you had an ownership interest within the past 10 years? If so, for each provide the following:
- a. Property address;
 - b. Identify any co-owners;
 - b. Name of the buyer(s);
 - b. Date of sale;
 - c. Sale price; and
 - d. Identify any mortgages, liens or other encumbrances at the time of sale.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

11. For any automobile, motorcycle, boat, or airplane ("vehicle") you purchased from 2010 to the present, provide the following:

- a. The type of vehicle, *i.e.*, automobile, motorcycle, boat, or airplane.
- b. The year of the vehicle.
- b. The make and model of the vehicle.
- c. The date you purchased the vehicle.
- d. The purchase price of the vehicle.
- d. The name(s) of any co-owners of the vehicle.
- e. The method of payment for the vehicle.
- f. The date you sold the vehicle (if applicable).

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

12. For any corporation, limited liability company, partnership or other entity that you currently have an interest, for each entity provide following information:

- a. The name, any assumed names, the date incorporated or organized, and its state of incorporation or organization.

- b. The address and telephone number of its principal place of business, and provide the name of any website and email address that the entity maintains.
- c. The address and telephone number of its registered office within the State of Michigan.
- d. The name, address and telephone number of the registered/resident agent for service of process.
- e. The name, address and phone number of all members, shareholders or partners.
- f. The percentage of your interest owned.
- g. The percentage of ownership of all other members, shareholders or partners.
- h. The person who manages or operates such entity.
- i. Any title or position held by you.
- j. A description of the business of the entity.
- k. All assets owned by such entity.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

13. As to any payments or reimbursements made by NTC to you from 2010 to the present, for each provide the following:

- a. The date of the payment or reimbursement.
- b. The amount of the payment or reimbursement.
- c. State in detail what the payment or reimbursement was for, *e.g.*, vehicles, travel, clothes, jewelry, dining, entertainment, services, etc.

- d. The reason for the payment or reimbursement.
- e. The method of the payment or reimbursement.
- f. The person(s) from NTC who authorized the payment or reimbursement.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

14. As to any payments or reimbursements you authorized on behalf of NTC for you, Susanne, Durden, Morgan and Holiefield from 2010 to the present, for each provide the following:

- a. The date of the payment or reimbursement.
- b. The amount of the payment or reimbursement.
- c. State in detail what the payment or reimbursement was for, *e.g.*, vehicles, travel, clothes, jewelry, dining, entertainment, services, etc.
- d. The reason for the payment or reimbursement.
- e. The method of the payment or reimbursement.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

15. State in detail the reason for the payment made by NTC to Sallie Mae on behalf of your daughter.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination. Defendant also objects to the request for the reason that the request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any.

INTERROGATORY:

16. State in detail all improvements made to 1749 Piccadilly Court, Rochester Hills, MI 48309 with the use of NTC funds.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

17. State the total cost for all improvements made to 1749 Piccadilly Court, Rochester Hills, MI 48309 using NTC funds.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

18. Identify all contractors, vendors or other persons or entities what were involved with the improvements that were made to 1749 Piccadilly Court, Rochester Hills, MI 48309 using NTC funds.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

19. State all position(s) that you held at NTC.

ANSWER:

See General Objection.

INTERROGATORY:

20. Describe in detail any instructions that you gave to Durden regarding the processing and payment of any expenses submitted to NTC for payment by you and/or Susanne.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

21. State the factual basis for each and every Affirmative Defense that you raised in response to the Complaint.

ANSWER:

See General Objection. Defendant further objects for the reason that Defendant has not yet been required to assert, and has not asserted, any affirmative defenses in response to the Complaint

INTERROGATORY:

22. Identify the business reason of NTC that you used NTC funds to purchase a Ferrari.

ANSWER:

See General Objection. Defendant further objects to the Interrogatory for the reason that it is unintelligible, and Defendant cannot determine the nature of the question presented.

INTERROGATORY:

23. Identify the person at NTC who authorized the use of NTC funds for the purchase of your Ferrari.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

24. Identify the business reason of NTC that you used NTC funds to purchase the Mont Blanc pens.

ANSWER:

See General Objection. Defendant further objects to the Interrogatory for the reason that it is unintelligible, and Defendant cannot reasonably determine the nature of the question presented.

Defendant respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination if this Interrogatory is determined to be intelligible.

INTERROGATORY:

25. Identify the person who authorized the use of NTC funds for the purchase of your Mont Blanc pens.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

26. Identify the business reason of NTC that you used NTC funds to pay for the installation of improvements made at your home in Rochester Hills.

ANSWER:

See General Objection. Defendant further objects to the Interrogatory for the reason that it is unintelligible, and Defendant cannot reasonably determine the nature of the question presented. Defendant respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination if this Interrogatory is determined to be intelligible

INTERROGATORY:

27. Identify the person who authorized the use of NTC funds to pay for the installation of the improvements made at your home in Rochester Hills.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

28. State the total amount of NTC funds that were paid by NTC for your non-NTC business expenses.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

:

Respectfully submitted,

NEDELMAN LEGAL GROUP, PLLC

By: /s/ Michael A. Nedelman

Michael A. Nedelman (P35433)

Attorneys for Defendant Alphons Iacobelli

28580 Orchard Lake Road, Suite 140

Farmington Hills, Michigan 48334

Telephone: (248) 855-8888

Dated: November 16, 2018

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST:

1. Produce all documents requested throughout these Interrogatories and identified in your responses to these Interrogatories in accordance with MCR 2.310.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

2. As to each expert you have consulted or employed to render an opinion with respect to the subject matter of this litigation, regardless of whether you have retained or compensated such expert, and regardless of whether you intend to call such expert at trial, produce and attach copies of:

- a. His or her curriculum vitae, professional resume, or similar document regarding education, employment, qualifications, licenses, and professional organizations;
- b. Each written report and/or document you have received from each such expert;
- c. Each and every document or item of tangible evidence which has been provided to each such expert, whether by you, your counsel, or any third party or entity;
- d. Each and every document reviewed by each such expert in his or her study, assessment or evaluation of the subject matter of this litigation and his or her expected area of expert testimony;
- e. Each and every document relating in any manner to the date, nature, findings, result of any and all tests, studies or simulations conducted by each such expert;
- f. Each and every article, table, study or similar document reviewed, utilized or relied upon by each such expert in reaching his or her opinion or opinions concerning the subject matter of this litigation;

- g. All evidence and/or other documents not already requested and which were relied upon or utilized by each such expert in reaching his or her opinion(s) concerning the subject matter of this litigation; and
- h. Each and every document regarding your agreement or contract with respect to each such expert as to compensation and expenses.

RESPONSE:

There are no documents responsive to this request.

REQUEST:

3. Produce copies of all statements, notes, transcripts, diaries, calendars or other documents in your possession, custody or control, given by or related to any person(s), obtained by you, or your attorneys or representatives, which relate in any manner to the facts and issues of this litigation, or any claim or defense.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

4. Produce a copy of the deed for any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving

the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

5. Produce copies all current mortgages and promissory notes for any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

6. Produce copies of all current liens and other encumbrances against any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving

the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

7. Produce copies of all mortgages, liens and other encumbrances discharged/released against any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

8. Produce copies of your state and federal tax returns (audited and unaudited), including all W-2s and K-1s, from 2010 to the present.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam,

and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

9. Produce copies of all your checking, savings, money market, certificates of deposit, IRA, mutual funds, securities or any other account statements from 2010 to the present.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

10. Produce copies of all your credit card statements from 2010 to the present.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam,

and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

11. Produce copies of the title and purchase agreement, contract or invoice for any automobile, motorcycle, boat, or airplane you purchased from 2010 to the present, including the 2013 Ferrari 458 Spider.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

12. Produce copies of all documents relating to all improvements made to your residence at 1749 Piccadilly Court, Rochester Hills, MI 48309, including but not limited to contracts, agreements, proposals, bids, plans, drawings, invoices, statements, bills, receipts, letters, facsimiles, e-mails and text messages.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

13. Produce copies of the documents evidencing the payment made by NTC to Sallie Mae on behalf of your daughter.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within his possession, custody or control any of the documents responsive to this request.

REQUEST:

14. Produce copies of all documents evidencing any payments or reimbursement made by NTC on your behalf from 2010 to the present.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

15. Produce copies of all documents evidencing any authorization by NTC to pay or reimburse you for any of your personal expenses.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

16. Produce copies of all communications, including but not limited to, letters, e-mails, notes, facsimiles, text messages, instant messages, LinkedIn, Facebook, or by any other mode, method, or manner of communications, between you and Jerome Durden between 2010 through the present.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

17. Produce copies of all communications, including but not limited to, letters, e-mails, notes, facsimiles, text messages, instant messages, LinkedIn, Facebook, or by any other mode, method, or manner of communications, between you and General Holiefield between 2010 until the time of his death.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

18. Produce copies of all communications, including but not limited to, letters, e-mails, notes, facsimiles, text messages, instant messages, LinkedIn, Facebook, or by any other mode, method, or manner of communications, between you and Monica Morgan between 2010

through the present.

RESPONSE:

Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

19. Produce any document which supports any matter raised as a defense to the Complaint; if any document is not in your possession, please provide the name, address, and telephone number of the person or entity that has possession or control of the document. Any responses to this request are without prejudice to your ability to supplement as discovery progresses.

RESPONSE:

Defendant cannot identify and does not have in his possession, custody and/or control any non-privileged documents responsive to this Request for the reason that he has not as of yet raised any defenses to the Complaint; Defendant reserves the right to assert such objections as may be appropriate if and when any defenses are required to be raised.

REQUEST:

20. Produce all exhibits which you propose to introduce at trial. This request shall be deemed continuing so as to require further and supplemental production if you obtain additional documents required to be produced herein between the time of the initial production and the time of trial.

RESPONSE:

Defendant has not yet proposed to introduce any exhibits at trial, if any, of this matter and therefore Defendant does not have in his possession, custody and/or control any non-privileged documents responsive to this Request.

Respectfully submitted,

By: /s/ Michael A. Nedelman
Michael A. Nedelman (P35433)
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and Susanne Iacobelli
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Dated: November 16 2018

FILED Received for Filing Oakland County Clerk 12/5/2018 3:42 PM

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

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CERTIFICATE OF SERVICE

This is to certify that on November 16 2018, I served a copy of **Alphons Iacobelli's Response to Plaintiff's First Set of Interrogatories and Requests for Production of Documents** on all counsel of record via email and by first class mail. I declare that the above statement is true to the best of my information, knowledge and belief.

/s/ Michael A. Nedelman
Michael A. Nedelman

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

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CERTIFICATE OF SERVICE

This is to certify that on November 16 2018, I served a copy of **Alphons Iacobelli's Response to Plaintiff's First Set of Interrogatories and Requests for Production of Documents** on all counsel of record via email and by first class mail. I declare that the above statement is true to the best of my information, knowledge and belief.

/s/ Michael A. Nedelman
Michael A. Nedelman.

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

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**DEFENDANT SUSANNE IACOBELLI'S RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Defendant Susanne Iacobelli responds as follows in response to Plaintiff's First Set of Interrogatories and Requests for Production of Documents ("Discovery Requests") to Defendant Susanne Iacobelli.

GENERAL OBJECTION: Defendant objects to all of the Interrogatories for the reason that Defendant is prohibited by MCL §600.2162 from testifying in this matter (which includes being required to answer under oath any Interrogatories) absent the consent of her spouse, Alphons Iacobelli, a co-Defendant in this matter; Mr. Iacobelli has not consented to Susanne Iacobelli testifying in this matter. This General Objection is incorporated by reference into each of the following responses as if fully set forth therein. Additional objections are asserted as appropriate to specific Interrogatories in an effort to apprise Plaintiff of those additional applicable objections and/or privileges; provided, however, that Defendant reserves the right to assert such other defenses and/or privileges as may be appropriate if further responses to these Interrogatories are required.

INTERROGATORIES

INTERROGATORY:

1. Have you read and reviewed the definitions and instructions that constitute the preamble to these Discovery Requests?

ANSWER:

See General Objection.

INTERROGATORY:

2. Identify the person(s) answering these Discovery Requests, as well as each person(s) who assisted in such answers other than counsel.

ANSWER:

See General Objection.

INTERROGATORY:

3. Identify each person you consulted in responding to these Discovery Requests, other than counsel, and state the nature of your relationship to each identified person.

ANSWER:

See General Objection.

INTERROGATORY:

4. Prior to signing and responding to these Discovery Requests, have you made a full and complete search of your books, records, papers, and all other documents with a view toward eliciting all available information necessary to answering and responding to each Interrogatory and Document Request? If your answer is "No", please:

- a. State each reason why you have chosen not to conduct a full and complete search and inquiry, as referenced above;
- b. Identify each book, record, paper, or other document you could have consulted in providing full and complete responses to these Interrogatories and Document Requests, but chose not to consult; and
- c. Pursuant to MCR 2.310, produce copies of all documents identified in your response to Interrogatory No. 4 b, above.

ANSWER:

See General Objection.

INTERROGATORY:

5. Identify all persons which you know of, or intend to call or may call as a witness at trial, and/or who have or are believed to have knowledge of any of the facts or contentions alleged in the Complaint, or in any documents relating thereto or regarding same, and for each such person state:

- a. The person's full name, address and phone number;
- b. The relationship of the person to you and the claims in this case;

- c. Whether you have taken any written or recorded statements from such person regarding any of the facts involved in this case, and, if so, state (i) the date each statement was taken; (ii) the identity of the person who took each statement; and (iii) the identity of the person who has custody of each statement;
- d. Whether each person is presently, or has ever been, employed/retained by any party herein and, if so, which party and in what capacity;
- e. With particularity the facts and/or knowledge which the person has and/or the expected content and substance of the person's testimony; and
- f. The identity of all documents on which the person may rely on in support of his/her testimony.

ANSWER:

See General Objection. Defendant also objects to the request for the reason that the request asks Defendant to identify "all persons which you [Defendant] know of" is vague, ambiguous, and does not seek nor is it reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the permissible scope of discovery. Defendant further objects to the request to the extent it seeks the identification of all persons who Defendant knows of "in any documents relating thereto or regarding same," for the reason that the request is unintelligible and does not reasonably describe the documents requested to be identified. Defendant respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination if this Interrogatory is determined to be intelligible

INTERROGATORY:

6. Identify each expert you have consulted or employed to render an opinion with respect to the subject matter of this litigation, regardless of whether you have retained or compensated such expert(s) and regardless of whether you intend to call such expert(s) at trial, and as to each such expert state:

- a. The subject matter about which the expert is expected to testify;

- b. The substance of the facts and opinions to which the expert is expected to testify, and
- c. A summary of the grounds for each expert's opinion.

ANSWER:

See General Objection.

INTERROGATORY:

7. Provide the following as to each and every financial institution with which you, directly or indirectly, individually and/or as joint account holder, have held any type of account from 2008 to the present:

- a. The name of the financial institution.
- b. The address of the financial institution.
- c. The account number.
- d. All name(s) on the account.
- e. All name(s) of the authorized signatories on the account.
- f. The type of account, *e.g.*, checking, savings, money market, certificate of deposit, IRA, mutual funds, securities.
- g. The date of opening the account.
- h. The date of closing the account (if applicable).

ANSWER:

See General Objection. Defendant also objects to the request for the reason that the request does not seek nor is it reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the permissible scope of discovery. Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any.

INTERROGATORY:

8. Provide the following as to every credit card account you have had and/or used from 2008 to the present:

- a. The type of credit card, *e.g.*, Visa, Mastercard, American Express, Discover.
- b. The name of financial institution for the credit card account.
- c. The account number.
- d. The name of all authorized users on the credit card account.
- e. The date of opening the credit card account.
- f. The date of closing the credit card account (if applicable).

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon his Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination. Defendant also objects to the request for the reason that the request does not seek nor is it reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the permissible scope of discovery. Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any.

INTERROGATORY:

9. If you currently own any real property, for each property provide the following:
 - a. The address.
 - b. The date purchased.
 - c. The purchase price.
 - d. The name, address and phone number of any co-owners.

- e. Identify all current mortgages, liens and other encumbrances.
- f. Identify all mortgages, liens or other encumbrances discharged/released since the date of purchase.

ANSWER:

See General Objection. Defendant also objects to the request for the reason that the request does not seek nor is it reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the permissible scope of discovery. Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any.

INTERROGATORY:

10. For any automobile, motorcycle, boat, or airplane ("vehicle") you purchased, directly or indirectly, individually or with another person, from 2008 to the present, provide the following:

- a. The type of vehicle, *i.e.*, automobile, motorcycle, boat, or airplane.
- b. The year of the vehicle.
- b. The make and model of the vehicle.
- c. The date you purchased the vehicle.
- d. The purchase price of the vehicle.
- d. The name(s) of any co-owners of the vehicle.
- e. The method of payment for the vehicle.
- f. The date you sold the vehicle (if applicable).

ANSWER:

See General Objection. Defendant also objects to the request for the reason that the request does not seek nor is it reasonably calculated to lead to the discovery of admissible evidence, and is

therefore beyond the permissible scope of discovery. Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any.

INTERROGATORY:

11. Provide the following information with respect to your employment from 2008 to the present:

- a. Name, address and phone number of each employer.
- b. Your job title or position.
- c. Hourly rate or yearly salary.
- d. Date employment began.
- e. Date employment ended.

ANSWER:

See General Objection.

INTERROGATORY:

12. For any corporation, limited liability company, partnership or other entity that you currently have an interest, for each entity provide following information:

- a. The name, any assumed names, the date incorporated or organized, and its state of incorporation or organization.
- b. The address and telephone number of its principal place of business, and provide the name of any website and email address that the entity maintains.
- c. The address and telephone number of its registered office within the State of Michigan.
- d. The name, address and telephone number of the registered/resident agent for service of process.
- e. The name, address and phone number of all members, shareholders or partners.

- f. The percentage of your interest owned.
- g. The percentage of ownership of all other members, shareholders or partners.
- h. The person who manages or operates such entity.
- i. Any title or position held by you.
- j. A description of the business of the entity.
- k. All assets owned by such entity.

ANSWER:

See General Objection.

INTERROGATORY:

12 [sic]. As to any payments or reimbursements made by NTC to you from 2008 to the present, for each provide the following:

- a. The date of the payment or reimbursement.
- b. The amount of the payment or reimbursement.
- c. State in detail what the payment or reimbursement was for, *e.g.*, vehicles, travel, clothes, jewelry, dining, entertainment, services, etc.
- d. The reason for the payment or reimbursement.
- e. The method of the payment or reimbursement.
- f. The person(s) from NTC who authorized the payment or reimbursement.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

13. State in detail the reason for the payment made by NTC to Sallie Mae on behalf of your daughter.

ANSWER:

Defendant respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

14. State in detail all improvements made to 1749 Piccadilly Court, Rochester Hills, MI 48309 with the use of NTC funds.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

15. State the total cost for all improvements made to 1749 Piccadilly Court, Rochester Hills, MI 48309 using NTC funds.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

16. Describe in detail all reason(s) why you had your American Express card charges paid by NTC.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

17. Describe in detail the process by which you submitted your credit card bills to NTC for payment, including but not limited to the identity of the person to which you tendered the bills for payment, the method that you provided them to NTC (mail, email, etc.).

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

18. Identify and describe in detail all communications that you had with any representative of NTC regarding any questions, concerns or inquiries regarding your American Express card charges.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

19. Identify and state the date (month, day, and/or year) of when you first learned that your American Express bills were being paid with NTC funds.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

20. State the identity of the person(s) or entity(s) that you believed were paying your American Express bills, including the time period(s) of the payments by such person/entity, and the reason(s) that they were paying your bills.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

21. Identify all positions that you held with NTC, including the time period, title and duties.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

22. Identify all amounts and expenses charged to your American Express bills that were paid by NTC that were business expenses incurred by you on behalf of NTC.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

23. State the amount(s) that you yourself paid to American Express for your American Express bills during the last six (6) years.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based

upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

24. Identify and describe in detail all jobs or other types of employment that you have held during the last six (6) years.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

25. State whether you have ever used, visited, and/or enjoyed the pool, patio or outdoor kitchen at your home.

ANSWER:

See General Objection.

INTERROGATORY:

26. Identify and describe in detail any involvement or role that you had in the design, installation or placement of the landscaping, pool, patio and outdoor kitchen installed at your home.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

27. State whether you ever drove or rode in the Ferrari owned by your husband Alphons.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

28. Describe in detail your relationship, if any, with Morgan, including whether you and/or Alphons attended her wedding to Holiefield.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

29. State whether you have ever visited the home of Morgan and Holiefield on Mazuchet Drive and viewed their pool, landscape and outdoor kitchen.

ANSWER:

See General Objection. Defendant also respectfully declines to answer the Interrogatory based upon her Fifth and Fourteenth Amendment Constitutional privileges against self-incrimination.

INTERROGATORY:

30. Identify all vacations that you took using your American Express credit card during the last six (6) years.

ANSWER:

See General Objection. Defendant also objects to the request for the reason that the request does not seek nor is it reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the permissible scope of discovery. Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any.

INTERROGATORY:

31. State in detail the factual basis for each and every Affirmative Defense that you stated in your Answer to the Complaint.

ANSWER:

See General Objection. Defendant further objects for the reason that Defendant has not yet been required to assert, and has not asserted, any affirmative defenses in response to the Complaint.

Respectfully submitted,

NEDELMAN LEGAL GROUP, PLLC

By: /s/ Michael A. Nedelman

Michael A. Nedelman (P35433)

Attorneys for Defendant Alphons Iacobelli

28580 Orchard Lake Road, Suite 140

Farmington Hills, Michigan 48334

Telephone: (248) 855-8888

Dated: November 16, 2018

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all documents requested throughout these Interrogatories and identified in your responses to these Interrogatories in accordance with MCR 2.310.

RESPONSE:

None.

REQUEST:

2. As to each expert you have consulted or employed to render an opinion with respect to the subject matter of this litigation, regardless of whether you have retained or compensated such expert, and regardless of whether you intend to call such expert at trial, produce and attach copies of:

- a. His or her curriculum vitae, professional resume, or similar document regarding education, employment, qualifications, licenses, and professional organizations;

- b. Each written report and/or document you have received from each such expert;
- c. Each and every document or item of tangible evidence which has been provided to each such expert, whether by you, your counsel, or any third party or entity;
- d. Each and every document reviewed by each such expert in his or her study, assessment or evaluation of the subject matter of this litigation and his or her expected area of expert testimony;
- e. Each and every document relating in any manner to the date, nature, findings, result of any and all tests, studies or simulations conducted by each such expert;
- f. Each and every article, table, study or similar document reviewed, utilized or relied upon by each such expert in reaching his or her opinion or opinions concerning the subject matter of this litigation;
- g. All evidence and/or other documents not already requested and which were relied upon or utilized by each such expert in reaching his or her opinion(s) concerning the subject matter of this litigation; and
- h. Each and every document regarding your agreement or contract with respect to each such expert as to compensation and expenses.

RESPONSE:

Defendant does not have in her possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

3. Produce copies of all statements, notes, transcripts, diaries, calendars or other documents in your possession, custody or control, given by or related to any person(s), obtained by you, or your attorneys or representatives, which relate in any manner to the facts and issues of this litigation, or any claim or defense.

RESPONSE:

Defendant does not have in her possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

4. Produce a copy of the deed for any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

REQUEST:

5. Produce copies all current mortgages and promissory notes for any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving

the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

REQUEST:

6. Produce copies of all current liens and other encumbrances against any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

REQUEST:

7. Produce copies of all mortgages, liens and other encumbrances discharged/released against any real property you currently own.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam,

and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

REQUEST:

8. Produce copies of your state and federal tax returns (audited and unaudited), including all W-2s and K-1s, from 2010 to the present.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

REQUEST:

9. Produce copies of all your checking, savings, money market, certificates of deposit, IRA, mutual funds, securities or any other account statements from 2010 to the present.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible

evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

10. Produce copies of all your credit card statements from 2010 to the present.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request

11. Produce copies of the title and purchase agreement, contract or invoice for any automobile, motorcycle, boat, or airplane you purchased from 2010 to the present.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any.

Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

REQUEST:

12. Produce copies of all documents relating to all improvements made to your residence during the period of 2010 to the present at 1749 Piccadilly Court, Rochester Hills, MI 48309, including but not limited to contracts, agreements, proposals, bids, plans, drawings, invoices, statements, bills, receipts, letters, facsimiles, e-mails and text messages.

RESPONSE:

Defendant does not have in her possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

13. Produce copies of the documents evidencing the payment made by NTC to Sallie Mae on behalf of your daughter.

RESPONSE:

Objection. The request does not seek information within the permissible scope of discovery, for the reason that it does not seek information that is itself relevant to the subject matter involved in the pending action or to the claim or defense of the party seeking discovery or to the claim or defense of another party, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Plaintiff's request is in the nature of a creditors' exam, and such examination is not permitted prior to the entry of a judgment, if any. Without waiving the Objection, Defendant does not have within her possession, custody or control any of the documents responsive to this request.

REQUEST:

14. Produce copies of all documents evidencing any payments or reimbursement made by NTC on your behalf from 2008 to the present.

RESPONSE:

Defendant does not have in her possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

15. Produce copies of all documents evidencing any authorization by NTC to pay or reimburse you for any of your personal expenses.

RESPONSE:

Defendant does not have in her possession, custody and/or control any non-privileged documents responsive to this Request.

REQUEST:

16. Produce any document which supports any matter raised as a defense to the Complaint; if any document is not in your possession, please provide the name, address, and telephone number of the person or entity that has possession or control of the document. Any responses to this request are without prejudice to your ability to supplement as discovery progresses.

RESPONSE:

Defendant cannot identify and does not have in her possession, custody and/or control any non-privileged documents responsive to this Request for the reason that he has not as of yet raised any defenses to the Complaint; Defendant reserves the right to assert such objections as may be appropriate if and when any defenses are required to be raised.

REQUEST:

17. Produce all exhibits which you propose to introduce at trial. This request shall be deemed continuing so as to require further and supplemental production if you obtain additional documents required to be produced herein between the time of the initial production and the time of trial.

RESPONSE:

Defendant has not yet proposed to introduce any exhibits at trial, if any, of this matter and Defendant therefore cannot identify and does not have in her possession, custody and/or control any non-privileged documents responsive to this Request.

Respectfully submitted,

By: /s/ Michael A. Nedelman
Michael A. Nedelman (P35433)
Attorneys for Defendants Alphons Iacobelli
and Susanne Iacobelli
28580 Orchard Lake Road, Suite 140
Farmington Hills, Michigan 48334
Telephone: (248) 855-8888
mnedelman@nglegal.com

Dated: November 16, 2018

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

THE UAW-CHRYSLER SKILL
DEVELOPMENT AND TRAINING PROGRAM
a Michigan Non-Profit Corporation,

Case No. 2018-166226-CZ
Hon. Denise Langford Morris

Plaintiff,

v.

ALPHONS IACOBELLI, an individual,
SUSANNE IACOBELLI, an individual,
JEROME DURDEN, an individual, and
MONICA MORGAN, an individual,

Defendants.

Michelle C. Harrell (P48768)
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Attorney for Defendant Jerome Durden
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(248) 221-7726
Judith@thegracelawfirm.com

CERTIFICATE OF SERVICE

This is to certify that on November 16 2018, I served a copy of **Susanne Iacobelli's Response to Plaintiff's First Set of Interrogatories and Requests for Production of Documents** on all counsel of record via email and first class mail. I declare that the above statement is true to the best of my information, knowledge and belief.

/s/ Michael A. Nedelman
Michael A. Nedelman